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PROTECTION OF MINORITIES

Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities

Second progress report submitted by Mr. Asbjørn Eide

Replies of Governments to the questionnaire

INTRODUCTION

1. The present document contains the replies received as of 15 June 1992 to the questionnaire on minorities transmitted to Governments, specialized agencies and non-governmental organizations. It is expected that additional answers will be received in the course of this year and in 1993.

2. In their replies, some Governments stated that in their countries there were no minorities as understood in the questionnaire*. This is the case of Cape Verde, the Marshall Islands, Morocco, St. Kitts and Nevis and San Marino.

3. The Government of Colombia submitted a second and more detailed reply integrating its previous reply which was reflected in the first progress

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* See document E/CN.4/Sub.2/1991/43, annex, paragraph 6

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report. The Government of Greece submitted corrections to its reply contained in the previous progress report; these corrections appear in document E/CN.4/Sub.2/1991/43/Corr.1.

4. In view of its particular interest and in light of the events which have taken place since its submission in August 1991 (see para. 5 of the main report), the reply submitted by the Federal Republic of Yugoslavia is reproduced, as received in document E/CN.4/Sub.2/1992/37/Add.2.

5. The replies from Governments to the questionnaire follow the sequence of the questions. Under each question the replies are given in alphabetical order by State.

6. None of the replies submitted by specialized agencies contained substantive information. From non-governmental organizations, information was provided by the International Human Rights Law Group which was based on interviews with different political representatives in Romania. It is taken into account in chapter II of the main report.

Responses, question by question

(i) Do minority groups, as understood in this questionnaire*, exist in your country/in the country concerned? Please indicate whether these are settled minorities or recent immigration groups.

AUSTRALIA

General Comments on the Definition of "Minorities" with regard to Australia.

7. Statistics on "minorities" in Australia can be based on various criteria, such as country of birth, language spoken at home, religion, stated ancestry; the 5-yearly Census provides data on the Australian population under all those headings. (The "Ancestry" question was asked only at the 1986 Census.) However, no criterion is satisfactory, by itself, to define all minority groups in the senses given in paragraph 6 of the Introduction to the Questionnaire.

8. Only the Census statistics on religion can give some indication as to how many people identify themselves with a particular minority grouping. Other statistics, such as birthplace, do not necessarily imply a perceived common identification between all members of the statistical group.

9. The 1986 Census question on "Ancestry" enabled all Australian residents, both overseas-born and Australian-born, to state their perceived ethnic ancestry. While there are methodological problems in interpreting the results, this question provided some data on the ethnic origins of persons whose families had lived in Australia for two or more generations. Dr. Charles Price, the leading demographer of ethnic groups in Australia, has

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* See the introduction to document E/CN.4/Sub.2/1991/43.

also done considerable research into the ethnic ancestries of Australia's population. Once again, however, membership in a statistical grouping does not necessarily imply that persons see their membership of that group as significant.

10. One indicator of the diversity of ethnic groups in Australia is the number of ethnic organizations. These vary from sporting and folkloric clubs to religious and welfare associations. The Directory of Ethnic Community Organizations in Australia, published by the Federal Department of Immigration, Local Government and Ethnic Affairs in 1989, lists almost 3,000 organizations representing 136 ethnic groups - and it does not claim to be a complete list by any means.

Specific Comments.

11. Australian society is characterized by cultural diversity. "Settled minority" groups, as defined in the questionnaire, exist in Australia in considerable numbers. At the time of the 1986 Census, of a population of 15,602,156, one Australian resident in every five had been born in an overseas country and two in every five had at least one overseas born parent.

12. Australian Aborigines were the first known cultural group to take up residence in Australia, arriving from South East Asia at least 40,000 years ago. With the arrival of European settlers in 1788, the Aboriginal population began a serious decline attributed both to the displacement and killings inflicted by the settlers, and to the introduction of many diseases hitherto unknown to the native population. By the early twentieth century, 87 per cent of the population was of Anglo Celtic origin.

13. Since the middle of the century, with a progressive liberalization of the immigration programme, there has been a dramatic shift in the composition of Australian society. Settlement of migrants (i.e. persons admitted to Australia for permanent residence) has occurrred continuously and in significant numbers since 1947. Members of some groups mostly arrived during the earlier years of the post-War migration programme; members of other groups, especially some groups from Asia and the Middle East, mostly arrived since 1975; in other cases, there have been cycles of migration by particular groups. Distinctions are frequently made, in describing migrant and ethnic groups, between those "recently arrived" and those "longer established". However, common usage makes no distinction of the kind suggested in paragraph 7 of the Introduction to the Questionnaire.

14. Persons who do not have permanent resident status in Australia are not entitled to all of the rights of legal residents; similarly, residents who are non-citizens lack some of the advantages of Australian citizens. Nevertheless, there is no classification of minority groups based on their resident or citizenship status.

15. Today the population balance is around 75 per cent solely or partly Anglo Celt, 20 per cent "other European", 4.5 per cent "Asian" origin and 1 per cent Aboriginal. These changes in ethnic composition are detailed below, and also in the publications, National Agenda for a Multicultural Australia, and the recent Australian Bureau of Statistics publication, Multicultural Australia. (A copy of each of these publications has been forwarded with this Report.)

16. One minority group, however, is currently seeking separate recognition and claims it is discriminated against vis à vis Aboriginal and Torres Strait Islander people. This group is the descendants of South Sea Islanders who were brought to Australia in the nineteenth century to work as indentured labour in the sugar cane fields of northern New South Wales and Queensland.

17. The claims of this group, who number about 20,000, are currently being investigated by the Federal Human Rights and Equal Opportunity Commission (HREOC), with some financial assistance towards the cost of the project provided by the Office of Multicultural Affairs. Following the completion of HREOC's report, recommendations will be made to the Government in relation to this group.

Ethnic Composition of the Australian People (per cent)

Ethnic Origin	1787	1846	1861	1891	1947	1988
Aboriginal	100.0	41.5	13.3	3.4	0.8	1.0
Anglo-Celt	-	57.2	78.1	86.8	89.7	74.6
Other European	-	1.1	5.4	7.2	8.6	19.3
Asian	-	0.2	3.1	2.3	0.8	4.5
Other	-	-	0.1	0.3	0.1	0.6
TOTAL	100.0	100.0	100.0	100.0	100.0	100.0
Nos. (000's)	500	484	1 328	3 275	7 640	16 300

Source: Charles Price. Ethnic Groups in Australia. Policy Options Paper prepared for the Office of Multicultural Affairs. 1989, p. 2.

AUSTRIA

18. There are minority groups as understood in the explanatory notes on the questionnaire in Austria: "settled minorities" as well as "recent immigrant groups" (immigrants, guest workers, asylum-seekers and refugees).

BOLIVIA

19. Minority groups, as described in paragraph 6 of the introduction, exist in Bolivia in the sense that there are Bolivian ethnic groups distinct from the other social groups which traditionally represent the Bolivian State. These are indigenous groups who have been settled for centuries in different parts of the national territory, with a population estimated at present to total some 169,000 persons.

20. Burundi has an extremely homogeneous population, characterized by the age-old unity of its citizens who share virtually the same political opinions or the same sentiments. It does not, therefore, have minorities of any kind as understood in this questionnaire, i.e. minorities recognized by legal and political institutions.

21. It is true that Burundi consists of three ethnic groups; these, however, form one single people. There is no distinction between these ethnic groups which also have the same usages, the same culture and speak the same national language.

22. With regard to foreign minority groups, it should be noted that they are divided into two main categories in our country. The first is that of recent immigrants who have not yet acquired citizenship; the second consists of refugees. These groups are recognized as separate minorities by the legal and political institutions of our country, but they are entirely under the protection of Burundi law in the same manner as Burundi citizens. They are entitled to the same rights and the same fundamental freedoms as the latter, except in the political and State security areas.

COLOMBIA

23. In our country there are ethnic groups which form specific linguistic and social-cultural units, which make them appreciably different from the rest of the population, although they share, in the national context of acculturation, more general customs and standards.

24. The Colombian nation is mainly a mestizo population, the result of the mingling of three ethnic groups; white, black and indigenous, which have lived together for centuries on the national territory. There are also indigenous minority groups, settled since the pre-Colombian era which account for approximately 2 per cent of the Colombian population (450,000 persons). They are found in various areas of the country: 49 per cent of them live in the Andean zone and 59 per cent in savannaw, and forest zones, the Sierra Nevada de Santa Marta area and the Guajira Peninsula. In all there are 81 ethnic groups.

25. There are also black or Afro-Colombian minorities, the descendants of African slaves brought by the Spaniards during the conquest and colonial era, which account for approximately 5 per cent of the population. Their original area of settlement was on the Atlantic (including the Archipelago of San Andres and Providencia) and the Pacific coasts, where they still maintain many of the more traditional cultural activities as regards language and religion. They have moved from these areas to towns such as Cali, Barranquilla, Cartagena, Medellín, Santa Marta and other urban centres where they have adopted urban cultural patterns and given up their more traditional activities.

26. There are substantial underlying differences within the existing indigenous groups in respect of such factors as the level of attachment to a territory, the main economic activities, use of an indigenous language, and maintenance of traditional institutions. It is thus possible to identify tribal indigenous populations, recognizing as such those which retain their language and maintain their own traditions of Amerindian origin. It is estimated that there are 227,000 such indigenous inhabitants who account for 51 per cent of the total, 3 per cent of whom are in danger of extinction or assimilation. There is also the tribal indigenous population which has a peasant economy; these groups retain their language, have social organizations which have merged with institutions of Spanish origin, and have an economic activity of a peasant character. There are approximately 126,000 such

indigenous inhabitants. The last group is the peasant indigenous population, consisting of communities of Amerindian origin and identified as such, but which have lost their indigenous language, and their traditional institutions. This last group comprises some 94,423 persons.

HUNGARY

27. The policy of the Government of Hungary regarding minorities as well as the legal system draw a distinction between minorities historically coexisting with the Hungarian nation (settled minorities) and immigrants, refugees and migrant workers (recent immigrants). The linguistic and cultural rights of the recent immigrants are regulated by separate laws. They are not covered by the existing legislation on minority rights or by the comprehensive minority law now in the process of preparation.

LIECHTENSTEIN

28. There are no minorities in senso stricto on the territory of the Principality of Liechtenstein. There are, however, migrant workers residing for a limited time in Liechtenstein.

29. The Principality of Liechtenstein has on its territory already some 35 per cent of foreigners mainly from Switzerland, Austria and Germany, but also from non German-speaking parts of Europe such as Italy, Croatia, Slovenia, Yugoslavia, Spain, Portugal and Turkey.

MALAYSIA

30. The 1980 census recognizes three minority groupings:

(a) Indigenous minorities;

(b) Non-indigenous minorities;

(c) Aboriginal minorities.

The above-mentioned groupings will equate to the "settled minorities" definition of the questionnaire. In addition to the above groupings there is a sizeable number of illegal immigrants present in the country and they can be approximated to the concept of "recent immigrant" group in the questionnaire.

MALTA

31. In Malta's small population of about 345,000 there are no minority groups in the sense indicated in the questionnaire. Census questionnaires do not address themselves to ethnic, linguistic or cultural groups. Nationality is considered. Apart from transient tourists there are no significant numbers of permanent residents in Malta who are nationals of a foreign country with, perhaps, two exceptions:

(a) In Malta there are a few families of Indian origin, but many of these have taken on Maltese citizenship. They are all well integrated in Maltese society and have never complained of any form of discrimination;

(b) Malta permits citizens of other countries to settle in Malta, buy one property and enjoy freedom of movement. Such persons may not work and have to satisfy certain conditions and levels of affluence. Such persons are usually retired people, or persons who use Malta as a second home and place of rest. Permits are on a personal basis, and do not present the danger of the creation of new minorities.

32. Incidentally, family names in Malta (of Semitic, Italian, English and other origins) indicate the integration process that has gone on over the centuries. There is absolutely no division in society, at any level, along these lines.

MAURITIUS

33. Mauritius, being a multiracial country, does have minority groups but they are settled minorities.

RWANDA

34. Yes, there are established minorities and groups of immigrants.

SWEDEN

35. Since the Second World War, Sweden has changed from an ethnically homogeneous country to a multicultural society. Before that, the largest ethnic minority groups (settled minorities) in Sweden were the Sami, the Finns and the Gypsies. Today, the number of residents born abroad has reached near 900,000. The main immigrant groups are those from Finland, Yugoslavia, Iran, Norway, Denmark, Turkey, Chile, Poland, Germany and United Kingdom. Aliens account for 5.6 per cent of all inhabitants. They are mainly asylum seekers, relatives to former immigrants, and migrant workers (recent immigrant groups).

UNITED KINGDOM

36. Over the years 1986-1988, the population of Britain included an estimated 2.6 m from the ethnic minorities (4.7 per cent of the population), of which 1.3 m were Asians with origins in the Indian sub-continent and 0.5 m were of West Indian origin. About 45 per cent of the ethnic minority population were born in Britain, and nearly 75 per cent are British citizens.

URUGUAY

37. The present population of Uruguay is largely homogeneous from a cultural point of view. Demographically and culturally, the Uruguayan people has been formed by an "alluvial" process. Successive waves of European immigrants were superimposed upon an almost unmixed indigenous base which rapidly became extinct, giving the population of the country a distinctive character. A very substantial African influx at the end of last century was absorbed as a settled minority and the negro presence is concentrated fairly intensively in the capital. Elsewhere, however, with the exception of the frontier zone with Brazil, it does not constitute any demographically significant settlements.

As from the middle of last century and, increasingly in the early decades of the present century, the major migratory flows of Latin origin (French, Italian and Spanish) were joined by smaller contingents of other Europeans whose cohesive factor was usually their membership of religious denominations other than Catholicism, (English, German, Russian). In the years which followed the First World War, Armenians and Jews arrived in the country.

38. These features predominant in the structure of our cultural identity and based on the confluence and cumulation of cultures of the immigrants, were modified considerably from the 1960s onwards when various circumstances cause Uruguay to become a country of large-scale emigration.

39. The cultural integration of the settled migratory flows and the absence of recent immigrant groups meant that in Uruguay aliens are not considered as minorities and enjoy absolute equality of rights with native-born citizens.

VENEZUELA

40. In Venezuela there are minority groups which correspond to the definitio of: "nationalities, ethnic, linguistic or cultural groups which are significantly different from other groups within a sovereign State." Since Venezuela is a country in which freedom of worship has been established and legislated, there are settled religious minorities of various creeds and doctrines. Our country also shows a marked tendency to absorb recent immigrant groups understood in the sense of "aliens, immigrants who are not yet naturalized, refugees, asylum seekers and migrant workers". In this sense, it is important to note that the conditions on Venezuela's frontiers with Colombia and Brazil are conducive to an influx of recent immigrants and, in particular, migrant workers and non-naturalized immigrants, mostly from those countries.

41. According to a survey carried out by the Central Office of Statistics and Informatics in 1982, the indigenous population of Venezuela numbers 140,582 persons (0.96 per cent of the total population of the country), belonging to 27 different ethnic groups, forming a total of 1,062 communities located in eight federal entities of the country.

(ii) Are they recognized as separate minorities, or as nationals, ethnic or linguistic groups, in the legal and political institutions of the country? What obstacles have been encountered, if any, concerning such recognition?

AUSTRALIA

42. Minority groups are not recognized as separate minorities in the legal and political institutions. However, combinations of persons based on a common ethnicity, language or religion can form freely and take part in corporate activities similar to groupings on any other basis. As mentioned i the response to Question (i), the Directory of Ethnic Community Organizations in Australia lists almost 3,000 such organizations and there are many more.

In the late 1970s, umbrella organizations (Ethnic Communities Councils) formed in the Australian States together with a national body, the Federation of Ethnic Communities Councils of Australia (FECCA), to express the views and advance the interests of ethnic communities in Australia.

AUSTRIA

43. Currently, four settled minorities enjoy statutory recognition as ethnic groups (Volksgruppen): Croats, Slovenes, Hungarians and Czechs. This - frequently indirect - recognition is partly based on the Austrian Constitution or other legislation and partly on executive action by the Government. In comparison with other ethnic groups of Austrian nationals, an essential characteristic of "Volksgruppen" is that Austria is their home country.

44. In defining the legal status of members of "recent immigrant groups" living in Austria, the authorities do not pay specific attention to ethnic, linguistic or cultural affiliation. Members of these groups can take part in this country's political life inasmuch as guest workers have the right to vote in elections of the statutory representative bodies of workers, and foreign students have the vote in elections of statutory student organizations.

BOLIVIA

45. They are recognized as national, ethnic or linguistic groups. Although the Constitution of Bolivia does not refer to minority groups in the terms of the introduction to the questionnaire, in the Agrarian Reform Law of 2 August 1953, the General Settlement Law of 13 August 1974 and the National Forest Law of 13 August 1974, the nomadic or semi-nomadic tribes or social groups scattered about the forested areas of the Republic are defined as "marginal ethnic groups". As far as the second part of the question is concerned, no obstacles have been encountered to date concerning recognition.

COLOMBIA

46. In Colombian legislation, the ethnic majorities are recognized as important components of the nation and, because of their specific characteristics, they have been granted rights designed to preserve and guarantee their existence as ancestral, autonomous and separate entities.

47. As Colombians, indigenous inhabitants are governed by the constitution of the country and by the legislative provisions that implement and assure the political, social and economic rights and guarantees of all citizens.

48. Considering that the indigenous peoples have their own historical and cultural tradition, patterns of life, and a social, political and economic organization different from the rest of the Colombian population, the State has promulgated laws, decrees and decisions which guarantee their rights and enable them to achieve their legitimate aspirations, while giving force of law to indigenous customary law.

49. The body of these special rules is known as the national indigenous legislation and it establishes a model for the relations between the indigenous peoples and the State which is marked by the recognition of the

right to autonomy, their own forms of organization and government, control of territory, to health care and education, adapted to the cultural characteristics of each of them.

50. From the gradual development and constantly improved basis of that legislation, one may deduce by way of illustration, a series of basic concepts which convey an idea of the approach adopted by the National Government in its dealings with the indigenous communities.

51. These concepts are contained in Decree No. 2001 of 28 September 1988, enacted for the purpose of increasing the number of protected areas (resguardos) for the indigenous groups located on Colombian territory; the decree establishes for that purpose clear procedures which open the way for new proposals for the establishment of such resguardos and includes new categories of lands suitable for conversion into resguardos, such as unowned wasteland and the lands of the National Agrarian Foundation. The decree assigns to the indigenous councils the task of administering and distributing the land among the families which make up the communities, in conformity with the relevant rules and their usages and customs.

52. The concepts that seek to clarify the situation regarding indigenous rights to territory are the following:

(a) Indigenous territories. These are the lands possessed by a community, which comprise not only those inhabited and cultivated but also those which form the traditional site for their economic and cultural activities (art. 2 of Decree No. 2001 of 1988);

(b) Indigenous community. This comprises the whole body of families of Amerindian descent who identify with their indigenous past, retaining the features and values of their own traditional culture, as well as the forms of government and internal social control which distinguish them from other rural communities;

(c) Resguardo. This is a legal and socio-political institution of a special kind, formed by an indigenous community which owns its territory under a community title deed; it administers that territory and regulates its internal activities through an organization adapted to indigenous law and customs or its cultural standards and traditions.

(d) Reservations. Formerly, the Colombian Agrarian Reform Institute, (INCORA), assigned unowned wasteland as reservations to indigenous communities for their use without granting them title deeds. At present, in conformity with the law, INCORA is converting these reservations into resguardos;

(e) Traditionally occupied territories. These are territories occupied by indigenous communities for generations in which they developed their political, social and cultural life and which have not been appropriated as resguardos by the Colombian State, which regards them as unowned wasteland;

(f) Indigenous civil communities. These are groups of indigenous inhabitants who, as communities, occupy an area of land but do not have a legally recognized community title to it, either because they have lost it or because the lands which they inhabit belong to a resguardo which was dissolved by law, but who identify themselves as indigenous inhabitants organized in accordance with their cultural traditions. The Colombian State has decided to allocate lands in the form of resguardos to the indigenous civil communities (Act No. 35 of 1961, Decree No. 2,001 of 1968, Act No. 89 of 1990, Act No. 61 of 1958);

(g) The indigenous council. This is a special public entity whose members are indigenous inhabitants elected and recognized by an indigenous community in a well defined territory and entrusted with legally representing their group and exercising the functions assigned to it by law, and by its usages and customs. Its members must be members of the community which elects them and their election must be in conformity with the provisions of the law or of their own forms of traditional organization.

HUNGARY

53. The terms accepted in Hungary are national and ethnic minorities.

54. National minorities include the German, Romanian, Croatian, Serb, Slovene and Slovak minority groups. The Gypsy and Jewish ethnic groups are called ethnic minorities. The question of whether to grant the same or different status to national and ethnic minorities is currently under debate, and the issue is still open within the Jewish and Gypsy communities themselves. The dominant view within the Jewish ethnic group is that the Jews are neither a national or an ethnic group, but form part of the Hungarian nation. The status of the Bulgarian, Polish, Ruthene, Greek and Armenian ethnic groups is a matter under dispute. (A great majority of Bulgarians and Poles are not Hungarian citizens. The Greek minority arrived to Hungary after 1945, were considered to be political refugees. The Armenian ethnic group has become assimilated both linguistically and culturally generation by generation. The Ruthene minority has likewise become assimilated.)

LIECHTENSTEIN

55. There is no particular recognition of the migrant labour force. Liechtenstein maintains however with some of the countries mentioned agreements pertaining to the social security of this group of foreigners. Foreigners residing in Liechtenstein have no group rights as such. In terms of their rights they are treated the same way as Liechtenstein nationals, apart from the normal citizens rights limited to nationals such as voting, the pursuance of some specific professions..

MALAYSIA

56. The indigenous and aboriginal minorities have special privileges provided in the laws of the country viz the Constitution and the Aboriginal Peoples Act 1954. However, there is no need for special recognition in legal and political institutions, for these minority groups, as the Constitution provides for equal treatment and opportunities for all nationals, (see also the response to question (iv) below).

MAURITIUS

57. As nationals and there had been no obstacles encountered in such recognition.

RWANDA

58. They are recognized as national and ethnic groups.

SWEDEN

59. There is no obstacle for minority groups to organize themselves in Sweden. Thus, there is no need for a formal recognition.

UNITED KINGDOM

60. The Race Relations Act 1976 is the main instrument against racial discrimination, and defines "racial group" as a group of persons defined by reference to colour, race, nationality or ethnic or national origins, and references to a person's racial group refer to any racial group into which he falls.

VENEZUELA

61. Settled indigenous minorities are identified as ethnic groups which have the same language and/or culture, who generally inhabit the same geographical region and who acknowledge a common history and tradition. The Venezuelan Constitution establishes, in article 77, a special system to be developed by legislation, for the protection of indigenous communities and their gradual incorporation into the life of the nation.

62. As for the remaining minorities, some have obtained strict legal recognition while others have not. The difference between the two depends on the legal framework of each of these groups. At the level of religion, some groups such as the evangelical group, the Adventists, Jehovah's Witnesses and others are protected by the precept concerning freedom of worship and enjoy the appropriate legal recognition. In the case of migrants, on the one hand there are those who have been naturalized and enjoy legal and political rights derived from their status as naturalized aliens, and on the other those aliens who are not yet naturalized and belong to the category of "recent immigrant groups" which do not enjoy the above-mentioned recognition.

63. As for the obstacles to the granting of recognition, they may be said to be innumerable. One of the most important of these obstacles is the fact that the Government of Venezuela has not been able to control definitively the illegal entry of Colombians and Brazilians into the country. A good example of this is the situation which has arisen recently between the Venezuelan and Brazilian authorities because of the entry of the so-called garimpeiros into our country; they are employed in an informal labour market which is outside any control. A similar situation prevails vis-à-vis the Colombian labour force which, by failing to register its entry into the country, hinders its own legal recognition.

(iii) Does such recognition consist in a federal structure, devolution of autonomy, or does it take other forms? Please describe and indicate the obstacles encountered, if any.

AUSTRALIA

64. As stated under (ii) above, minority groups are not recognized as separate minorities but the following information expands upon the response to (ii) above.

65. Although the Australian Government in no way controls the activities of FECCA, it provides administrative funding ($265,000 in 1991-1992) to assist its operations. Similarly, State Governments frequently subsidize the activities of State-level Ethnic Communities Councils. These Councils are open to all ethnic communities; in practice, some State Councils have wider coverage than others.

66. The organizational structures of individual ethnic communities differ widely; many have notional federal organizations as well as local and State-level organizations, but the effectiveness and cohesion of wider groupings tend to vary. The obstacles to wider combinations are often related to the expense of frequent personal contact between States.

Aborigines and Torres Strait Islanders

67. Aborigines and Torres Strait Islanders are bound by the same general laws and requirements that apply to the Australian population as a whole. Within this broad context, however, there is a range of programmes to address Aboriginal needs; special efforts are made to preserve the use of Aboriginal languages; and, in a few instances, areas virtually solely inhabited by Aborigines and Torres Strait Islanders have been designated as local government areas, but on the same broad basis as other local government areas.

68. Nevertheless, there is some opposition to the existence of the special programmes and services that address Aboriginal and Torres Strait Islander disadvantages and aspirations. For this reason, the Commonwealth Government has initiated a decade-long process of public education and awareness to educate non-Aboriginal Australians about Aboriginal history, cultures, dispossession and continuing disadvantage, and the need to redress that disadvantage. A Council for Aboriginal Reconciliation has been established by statute to further this reconciliation process. A coordinated campaign will be undertaken to build better bridges of understanding between Aboriginal and non-Aboriginal Australians. The reconciliation process will be complemented by a commitment by governments, at all levels, to work together to address Aboriginal disadvantage.

AUSTRIA

69. Recognition is reflected in the admission of the language of a formally recognized ethnic group (Volksgruppe) as the medium of instruction in schools; in its admission as an additional official language which can be used in

dealings with certain local and regional authorities; in the establishment of ethnic councils to advise the Government on matters concerning the ethnic group, with at least half of each council having to consist of representatives of the group; in the installation of topographic signs with place names in the group's language in addition to German; and in financial support given to the organizations and cultural activities of these groups.

70. None of these formally recognized autochthonous ethnic groups forms the majority of the population in any larger continuous area, hence it would not be practicable to introduce regional autonomy for any of these groups. They only constitute the majority in a few scattered local communities. The kind of local autonomy enjoyed by such communities does not differ from the local autonomy which the rest of the population has.

BOLIVIA

71. The recognition consists basically of granting the groups the same rights and obligations as other Bolivian citizens while respecting their special customs, traditions and characteristics. It is regarded as nationally and socially important to protect the heritage of the indigenous peoples, to give them property rights over the lands which are their natural habitat and to respect their communal organizations.

72. In line with this approach, the Government has assigned land to various ethnic groups settled in Bolivia. For example:

(a) Supreme Decree 22609 assigns 53,000 hectares of land in the Iviato region of the Department of Beni to the Sirionó ethnic group;

(b) Supreme Decree 22610 assigns 1 million hectares in the region of the Isiboro Securé Park to the Chimán, Moxeña, Yuracaré and Trinataria ethnic groups;

(c) Supreme Decree 22611 assigns 800,000 hectares in the "Bosque de Chimanes" region to the Chimán, Moxeña, Yuracaré and Movima ethnic groups.

73. It should also be mentioned that a Law on the Indigenous Peoples of the East and Amazonia is currently under consideration. The nine chapters and 39 articles establish the rights and obligations of indigenous peoples or ethnic groups in accordance with the principles previously outlined.

BURUNDI

74. Rights and duties are the same for all Burundi citizens, whether in the political, economic or social field. All citizens of Burundi have the right to participate in any political activity, to express their thoughts freely and to communicate them provided that they are constructive, i.e. in the interest of the nation or that of the great majority of the population.

75. In the social field, every citizen of Burundi, irrespective of the ethnic group to which he belongs, is entitled to settle in any part of the country. The right of access to employment, whether in the public or the private

sector, is recognized to Burundians, without distinction as to ethnic group, when a post falls vacant and provided the applicant establishes that he has the technical skills to fill it.

76. In the judicial field, every citizen of Burundi has the right to bring proceedings in court, to defend himself if accused or be defended by another person of his choice. Proceedings and remedies are the same and are available to all without any ethnic distinction.

77. At the economic level, every citizen of Burundi has the right to engage in any economic activity and to exercise it freely for his own development, his welfare and that of his family. Burundi law recognizes the right of every citizen of Burundi to own land and to use it in complete freedom, to engage in any kind of trade, to set up a company, an association, an industry or any other activity of a promotional character, without ethnic considerations.

COLOMBIA

78. At present, the Colombian Government is carrying out activities intended to strengthen the autonomy of the minorities in their development as free and self-sufficient groups. These activities cover various aspects such as the recognition of full right and capacity of the members of various communities to govern themselves in accordance with the usages and customs predominating in each group.

79. An example of this situation is the recognition of the (indigenous councils) cabildos and traditional authorities as the highest authorities within the communities. The council is elected by the indigenous community in accordance with its cultural usages and tradition. The traditional authorities are chosen by the communities in accordance with cultural traditions which are more deep-rooted, differentiated and closed.

80. The council is elected for a period of one year, generally from 1 January to 31 December and discharges key functions of social regulation and organization in respect of vitally important matters such as: awarding land; registration of ownership of indigenous lands; coordination of the community's economic activities; conclusion of agreements and contracts with public bodies in the interests of the communities; carrying out of censuses and registration of members of the communities; legal representation of the community in legal, extrajudicial and administrative proceedings to defend its rights; formulating the rules of indigenous law in accordance with the cultural usages and traditions of each community to establish the rights and obligations of the members of the community in respect of the utilization and exploitation of the plots of land allocated to them; settlement of conflicts over land tenure between two or more communities or members of the same resguardo.

81. The indigenous groups living in the Amazon, Orinoquia, Sierra Nevada de Santa Marta, Tunebia, Choco and other areas have political and social organizations different from those of the groups living in the Andean region. Their social and cultural organization is geared to traditional structures represented by religious and political leaders whose function is to reproduce

the culture, maintain internal cohesion and regulate daily life. They constitute the highest authority in the community and, in generic terms, are described as traditional authorities. Their function is of vital importance for the indigenous communities of these regions and cannot be altered by external agents or other authorities.

82. Title XI of the Constitution of Colombia dealing with territorial organization, makes provision for the establishment of indigenous territories, to be governed by councils set up and regulated in accordance with the usages and customs of the communities. The councils will exercise the following functions:

(a) Monitoring the implementation of the legal provisions relating to soil uses and settlement of their territories;

(b) Devising policies, plans and programmes for economic and social development within their territory in line with the National Development Plan;

(c) Promoting public investment in their territories and ensuring that investment is carried properly;

(d) Receiving and distributing resources;

(e) Monitoring the conservation of natural resources;

(f) Coordinating the programmes and projects promoted by the various communities in their territory;

(g) Cooperating in maintaining public order within their territory in accordance with the instructions and decisions of the National Government;

(h) Representing the territories in the National Government and other entities;

(i) Performing any other functions indicated in the Constitution and legislation.

83. Transitional article 38 of the Constitution provides for the composition and setting up, within a period of six months, of a territorial organization commission responsible for carrying out studies and presenting to the competent authorities the recommendations considered appropriate for bringing the territorial division of the country into line with the provisions of the Constitution. The commission will perform its functions during a period of three years but the law may make it a permanent institution. In this case, the same law will determine periodicity for submitting its proposals.

84. Similarly, transitional article 55 of the Constitution specifies that the Congress will enact, basing itself on the study being made by the ad hoc commission appointed for the purpose, a law recognizing that the black communities which have been occupying unowned wastelands in the rural areas along the banks of the rivers flowing into the Pacific Ocean, in conformity with their traditional production practices, have the right to collective ownership over the areas to be specified by that same law.

85. With regard to the obstacles which have arisen in this process of the recognition of rights for the indigenous communities, mention should be made of the unwillingness of large landowners to negotiate with the State the handover of land intended for the establishment of resguardos; the situation has been aggravated by the arrival of drug-trafficking groups in areas where, relying on their economic domination and violence, they have monopolized agricultural property with a view to using it for unlawful purposes.

86. Another factor involved in the appropriate State action in defence of the rights recognized in Indian law and customs, understood, as containing not only rules of State origin but also the whole body of customs, usages, social conduct and relations adopted by the indigenous communities themselves to regulate their internal coexistence or any possible conflicts with other sectors of society, is the growing confluence of violence in the areas in which the indigenous communities live. This situation is occurring in areas which are used as operational bases by guerrilla groups, drug-traffickers, groups which take the law into their own hands and common criminals, against which the State is taking action such as that under the National Rehabilitation Plan, described fully under point (vi) of this questionnaire.

87. To cope with a situation which affects the population in general and the indigenous communities in particular, the Colombian State has launched a frontal attack, which includes outlawing groups of armed civilians, continuing negotiations with the guerrilla groups which persist in armed struggle, strenghening the presence of the State in pacification areas and assigning duties in defence of human rights to local authorities such as municipal attorneys. The international community can bear witness to this struggle.

88. Another factor which has created situations of conflict in the territories in which indigenous communities are settled is bound up with the disputes which occur among the groups sharing the same territory, concerning the property and proper utilization of which there are differences stemming from cultural concepts. Such is the situation rising between settlers and indigenous inhabitants, in view of which steps have been taken through the machinery for community participation implemented by the various State entities at the national and local levels.

HUNGARY

89. Minority rights are practically enjoyed by all ethnic groups. Their right to establish and maintain their own associations is not restricted. State support is also allocated to the organizations and cultural institutions of those minorities whose status is unsettled.

MALAYSIA

90. There is no such distinction.

MAURITIUS

91. As nationals and there had been no obstacles encountered in such recognition.

SWEDEN

92. See question (ii).

UNITED KINGDOM

93. The United Kingdom has a long tradition of tolerance and the Government believes that no unnecessary obstacle should be placed in the way of people wishing to observe their own customs, religion and language. There is no scope, however, for separate systems of law.

VENEZUELA

94. The recognition of minorities in Venezuela encompasses the entire nation and is in force throughout the territory of the Republic.

(iv) Do minority groups maintain or enjoy cultural and/or educational institutions specifically devoted to meet their needs?

AUSTRALIA

95. Yes. In accordance with the Federal Government's policies of multiculturalism, all Australians are entitled to maintain their cultural identity, to express and share their individual cultural heritage, including their language and religion, and this freedom is widely used with the result that minority groups can and do form educational associations devoted to their needs, for which they have access to Government funding programmes.

96. There is a reciprocal responsibility to accept the right of others to express their views and values, and a requirement on all Australians to accept the basic structures and principles of Australian society.

97. The Federal Government uses the term "multicultural" in a descriptive sense to describe the cultural and ethnic diversity of contemporary Australia. As a public policy multiculturalism encompasses Government measures designed to respond to that diversity.

Aborigines and Torres Strait Islanders

98. Several programmes to support Aboriginal art and culture have been put in place by the Aboriginal and Torres Strait Islander Commission (ATSIC), a Federal body with a representative and advisory structure designed to enable Aboriginal and Islander Australians to become involved in the decision-making processes affecting their lives.

99. These programme inlcude:

(a) An art and culture programme which provides funds to organizations including community-based arts centres, National Aborigines' Day activities and significant overseas performing tours and art exhibitions;

(b) A community and cultural awareness programme and a public affairs and information programme, enabling production of documentary videos, publication of books and posters and the participation of Aboriginal and Torres Strait Islander dancers, musicians and craftspeople in festivals and exhibitions.

100. Aboriginal broadcasting also, has an important role to play in encouraging cultural identity and community awareness. Imparja (Australia's first Aboriginal owned and controlled commercial television station) holds the remote commercial television licence in central Australia. Eight aboriginal and Torres Strait Islander Regional Media Resource groups produce radio and video material for the Australian Broadcasting Corporation and other broadcasters and over 30 indigenous groups produce material for public radio. Funding is provided by ATSIC to support this activity and for the provision of 82 satellite receiving and re-broadcasting units in remote Australia.

AUSTRIA

101. Quite a number of cultural and educational institutions for "settled minority groups" are maintained by religious or private organizations. As regards members of "recent immigrant groups", there are some cultural institutions operating on a private basis.

BOLIVIA

102. Yes, the various ethnic groups settled in Bolivia receive assistance in several fields, particularly health, education and culture, from a number of State and private institutions. The Bolivian Institute for Indigenous Affairs, which comes under the Ministry for Peasant and Agricultural Affairs, is responsible for coordinating the activities of these institutions. Among these institutions, mention should be made of the National People's Literacy Service (SENALEP), which does useful educational work with the country's minority groups.

BURUNDI

103. The right to education is guaranteed to everyone without any discrimination. The language of instruction is the same for everyone so that there is no problem in that respect. At the primary level, the language of instruction for everyone is the national language; at the secondary and higher levels of education, teaching is imparted in French to everyone.

104. At the primary, secondary and higher levels, instruction is the same as for nationals. They are taught together with them in the same premises. At the primary level, education is dispensed in the language of the country (Kirundi), but it has been observed that foreign children do not have any difficulty in following the lessons in that language, which they master very easily and very quickly. Proof of this is that they do better than nationals.

105. Nevertheless, certain communities wishing to educate their children in their own languages are authorized to do so. Some, in fact, do so. Students tend to prefer the public educational institution in order to obtain a State certificate which opens the way to employment in the civil service, in the same way as nationals.

106. At the secondary and higher education levels, the language problem does not arise either because education is imparted in the official language of the country which is French which students learn from the beginning of primary school in the same conditions as nationals.

COLOMBIA

107. Do the minorities maintain or enjoy cultural and/or educational institutions specifically devoted to meet their needs?

108. The answer is yes. There are indigenous organizations legally recognized by the State which defend and promote the interests of the indigenous communities, including educational and cultural events for the members of their communities.

109. The regional and local organizations are headed by the Indigenous National Organization of Colombia (ONIC) which has been officially recognized as the spokesman for the indigenous communities in official bodies for formulating and discussing policies on matters of concern to them. This is its role vis-à-vis agencies such as the Ministry of the Interior, the Colombian Cultural Institute (COLCULTURA) and the Ministry of Mines and Energy

110. Through its regional and area operational structure, ONIC carries out its work programmes in the most remote areas of the country. These programmes have the following objectives: defence of indigenous autonomy; defence of indigenous territories; control of natural resources situated in the indigenous territories; defence of indigenous history, culture and traditions; bilingual and bicultural education under the control of the indigenous authorities and reinstatement and promotion of indigenous medicine and research into health programmes in keeping with the characteristics of the communities.

111. So far, it has organized three indigenous congresses at the national level (1982, 1986 and 1990) which, with the broad participation of its members, dealt with issues of organization, relations with the State, health, education, indigenous lands, etc.

112. At the level of the State, there are also bodies responsible for planning and implementing various programmes, including educational and cultural programmes, for the indigenous population of the country. They are listed below.

113. The Indigenous Affairs Division (DAI) of the Ministry of the Interior. In accordance with the law, it is responsible for designing, promoting, implementing and evaluating the policies and programmes that cater for the indigenous population of the country, with the participation of the communities themselves and of the other public and private organizations that formulate programmes in this area. To that end, it engages in development activities, legal assistance and research into all aspects of the conditions in which the communities live.

114. The Colombian Agrarian Reform Institute (INCORA). In coordination with DAI, it carries out activities and programmes to ensure that indigenous communities which lack title deeds to lands they have occupied traditionally are recognized to be the rightful owners. It resolves applications for land from indigenous communities which have no land or insufficient land, by granting them land in the form of resguardos. It coordinates the supply of services with a view to improving the economic and social conditions of these populations.

115. Ministry of Education. It has the task of monitoring the implementation of the special rules and programmes which govern the education of the indigenous communities, through the office specializing in ethnic education.

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(c) Ministry of Education. It has the task of monitoring the implementation of the special rules and programmes which govern the education of the indigenous communities, through the office specializing in ethnic education;

(d) Ministry of Health. It monitors the implementation of the arrangements for providing health services to the indigenous communities. At the regional level, sectional health services provide care for the indigenous communities, while training indigenous health workers. It also promotes the operation of the intersectoral coordination committees established at the regional level and programmes health activities for the indigenous populations;

(e) Indigenous affairs unit of the office of the Attorney-General of the Nation. It monitors compliance with the responsibilities which have been assigned to public entities in connection with the protection and defence of indigenous communities. It has also the duty to investigate any occurrences reported by the indigenous communities concerning possible violations of the rights and social guarantees provided in indigenous legislation and other legal provisions;

(f) Colombian Anthropological Institute (ICAN). It is responsible for anthropological and archeological research and the protection of this heritage in Colombia, including the study of indigenous cultures, past and present. It coordinates the work of the indigenous Linguistics Committee which advises the National Government on programmes for the study of indigenous languages and for the application of that research in ethnic education programmes and, in general, on the provision of State services to the indigenous communities;

(g) Departmental Offices for Indigenous Affairs. These offices have been established by the sectional administrations. Their function is to coordinate the activities of the various sectional secretariats that deal with indigenous communities. They work closely with the Indigenous Affairs Division of the Ministry of the Interior;

(h) Regional Development Corporations. These are entities established by the National Government to promote and support regional development. They formulate and implement programmes in indigenous communities. Their activities are subordinated to government policies and must be coordinated with the work performed by other entities on behalf of these populations;

(i) Indigenous Programme of the National Rehabilitation Plan (PNR). The Plan implements this programme at the national level through an office which defines, coordinates, evaluates and implements activities for the communities included in the rehabilitation zones and which functions in the Secretariat for Popular Integration in the Office of the President of the Republic, with regional offices known as PNR Delegations. Policy and activities are predicated on the need to strengthen the indigenous communities, while respecting their autonomy, ethnic identity and their authorities, the indigenous councils and the traditional authorities. The main aims and activities of this programme are described in greater detail under point (vi) of the questionnaire;

(j) Municipal Rehabilitation Boards. These are agencies for participation at the local level within which the indigenous and peasant communities, and government entities and authorities are represented, for the purpose of defining and programming the development activities of most concern to the population at the municipal level. In their framework, Committees of Traditional Authorities (CATs) have been set up with the participation of the indigenous community and of the entities in order to discuss, analyse and select the activities to be carried out. At the same time, training activities on indigenous legislation are being carried out, for civilian authorities and members of the armed forces.

HUNGARY

118. Supplementary aid is given to schools of minorities in addition to general support. The cultural institutions of minorities are practically maintained by the State or local self-governments. Minority press is published from State budgetary sources, and the costs of radio and television programmes in minority languages are likewise covered by the State. The functioning of representative organizations is financed from State funds.

LIECHTENSTEIN

119. National association mainly for social and cultural activities are maintained. For children, courses in the mother tongue are provided in these associations.

MALAYSIA

120. The Malaysian Constitution provides for religious groups to maintain their own institutions for the religious education of their children. It also provides for the teaching or learning of languages other than the national language. Interested groups, whether they be minority groups or otherwise, maintain both religious and educational institutions of their own where their numbers are sufficient.

MALTA

121. In Malta there are various cultural centres and institutions related to foreign countries, e.g. France, Germany, Italy, Libya, Spain, United Kingdom and USSR, but these are NOT related to minority interests.

MAURITIUS

122. Yes.

RWANDA

123. Yes.

SWEDEN

124. Sami children can complete part of their compulsory schooling either in the regular State-supported schools in their home districts or at one of the six State-run Sami schools where children are taught in both the Swedish and the Sami languages from grade one to six. Approximately 150 pupils attend Sami schools. The choice of school is left entirely to the parents, and instruction is free. The goals of the Sami schools are generally the same as those of other primary schools, except that the Sami language and culture are also taught.

125. The Sami School Board has at its disposal certain funds to enable it to arrange for integrated Sami education at ordinary primary schools in cooperation with the municipalities. This means that the Sami pupils are

enrolled in primary schools and are taught special Sami subjects separately. About 130 Sami pupils take part in such an integrated education during the school year 1991/1992.

126. For those children who do not attend special Sami schools, tuition is available in their native language and culture under the auspices of the home language programme which extends special language teaching in compulsory and upper secondary schools to all children who use a language other than Swedish at home.

127. A Sami high school is situated in Jokkmokk. At the University of Umea there is a Sami department with a Sami language professorship.

128. There is i.a. an independent Finnish school in Stockholm.

129. In the cultural field there are government grants to the national organizations of the immigrants. Support for cultural activities of immigrant groups is also given by the National Council for Cultural Affairs. Special grants are available for study groups and for the purchase of literature in immigrant and minority languages to the public libraries. The publication of literature and of periodicals in immigrant and minority languages is also supported by public funds.

130. Since 1977 the Swedish State budget includes a separate vote for support to Sami culture. The means are distributed by a special grants committee with a Sami majority among its members. For 1991 the funds available amount to 6 million SKr.

131. On radio and television there are special programmes for the larger immigrant groups in their native languages.

UNITED KINGDOM

132. Everyone in the United Kingdom has the right to establish and maintain their own cultural and religious institutions, organizations or associations, which can seek voluntary financial or other contributions as well as public assistance (from sources such as urban aid, funding for the arts, or local authority or other public funding for community or youth projects). The Government sees no need for direct intervention.

URUGUAY

133. The settled minorities have cultural and educational institutions which are subsidized by the State through substantial tax exemptions. There are cultural institutions for the Armenians (Bramihan), the Jewish Community of Uruguay, the Muslim Group of Uruguay, the Spanish Club, the Italian Community, the Lithuanian Community, etc.

134. Article 68 of the Uruguayan Constitution guarantees freedom of education. Parents have the right to select educational institutions for their children. To that end, there are a number of education centres, access

to which is open where citizens and aliens alike can require a bilingual education (Italian school, French lycée, Hebrew language colleges and lyceums, German college and lyceum, British school).

VENEZUELA

135. The indigenous groups have their own pedagogical systems, adapted to the transmission of their language, values, traditions, knowledge, techniques and social rules and to the training of their children for traditional living conditions. This indigenous pedagogy is not able to impart all the knowledge and skills necessary to enable them to have relations with other sectors of the Venezuelan population, for which formal education is necessary. In 1979, the Bilingual Intercultural Educational System (REIB) was ordained and set up on an experimental basis in 1982. Furthermore, the indigenous communities are associated in indigenous agrarian organizations which, despite an economic character basically directed towards improving production in the indigenous communities, also concern themselves with the developing their social, cultural and educational activities.

136. As for the other minorities, many of them are associated or connected with regional or national centres which maintain their respective cultural traditions. Some of these centres have schools which impart education in their own language and some communities attend churches where religious services are conducted in their respective languages.

(v) Do linguistic minorities, including recent immigrant groups, have the freedom and possibility to receive any part of their education in their own language?

AUSTRALIA

137. Yes. Both Commonwealth and State/Territory Governments in Australia fund education systems. However, the Commonwealth does not directly provide educational services, as the State and Territory Governments have responsibility for general education. The Commonwealth generally supports State and non-government school systems in funding and coordinating activities at the national level, and promotes innovative, catalytic activities in particular.

138. In addition to the State and Territory Governments' responsibility for languages as a part of general education, an important specific purpose programme funded by the Commonwealth since 1981 has been the Ethnic Schools Programme (ESP). Through this Programme the Commonwealth has maintained a strong commitment to language maintenance by supporting the provision of language maintenance classes by ethnic communities. This Programme received supplementary assistance from State and Territory Governments and, in some cases, foreign governments and cultural societies. The Italian Government, for example, has made a major contribution to the teaching of Italian. In 1990, the Programme covered more than 500 organizations teaching 49 languages.

139. In recent years all State and Territory Governments have developed comprehensive and balanced language policies and strategies to respond to local needs and priorities, in some cases introducing compulsory study of

languages other than English. The introduction by the Commonwealth in September 1991, of the Australian Language and Literacy Policy (ALLP) resulted in the ESP being more closely aligned with the mainstream language programmes conducted in schools.

140. The Community Languages Element (CLE) of the School Language and Literacy Policy replaces the former Ethnic Schools Programme with a total funding allocation of $9.4 million in 1992. The objectives of CLE are to assist students of non-English speaking background (including aboriginal students) to maintain their respective languages and cultures and to increase awareness among all students of the different community languages and cultures within Australian society.

141. It is expected the greater flexibility in administration of the Programme along with the continuing development of individual State/Territory language policies will enable a greater number of linguistic minorities to receive part of their education in their own language.

142. As well, the Government recognizes the difficulties experienced by non-English speakers. The Government's Access and Equity Strategy established in 1985, aims to ensure that all Australians, including those from non-English speaking backgrounds, enjoy equal access to, and secure their equitable share of, mainstream Government programmes and services. To this end, a federally funded, 24-hour telephone interpreter service has been established to assist those who need it. Service oriented departments, such as the Department of Social Security and the Department of Health, Housing and Community Services, employ interpreters on a full-time basis to assist in this regard. Nevertheless, the supply of interpreting services is still regarded as inadequate by non-English speaking communities, and specific action is under way to address this, particularly in areas such as the legal system.

143. Through the Special Broadcasting Service (SBS), the Government provides day long ethnic radio programmes in a range of languages in the most populous states. SBS television provides a multicultural television service to all state capital cities, to Canberra and to a number of regional centres.

AUSTRIA

144. Formally recognized ethnic groups (Volksgruppen) have the freedom and in principle also the actual possibility to receive kindergarten and school education in their own language. In practice, part of the instruction in schools is given in German - and this in fact meets the wishes of the ethnic groups themselves; or instruction in the ethnic group's language is offered in addition to instruction in German. Given the small numbers of members of these ethnic groups, university education is not offered in ethnic languages. In some communities there are bilingual kindergartens.

145. Children from "recent immigrant groups" are taught in German with Austrian children. In some primary schools additional instruction in their native language is offered.

BOLIVIA

146. Yes, one of the Bolivian Government's main aims is to provide the various nationalities living in Bolivia with an opportunity to receive education in their own language. In this context, SENALEP, in cooperation with various national and foreign institutions, particularly religious missions, is carrying out bilingual education programmes adapted to the cultures of the various ethnic groups. SENALEP produces bilingual reading primers for children and adults. The United Nations Children's Fund (UNICEF) is the international body providing most assistance in this task.

BURUNDI

147. See question (iv).

COLOMBIA

148. Decree No. 088 of 22 January 1976 specified that the regular programmes for the education of indigenous communities are to take into account their anthropological situation and promote the conservation and dissemination of their indigenous culture. It provided that the design, programming and evaluation of the curricula for the education of these communities will take place with the direct participation of the members of those communites. Decree No. 1142 of 1978 which enacts regulations for the implementation of those provisions, establishes the bilingual and bicultural character of ethnic education, such as recognition of the right of the indigenous communities to receive an education in keeping with their sociocultural and economic characteristics in order to strengthen their social capacity for deciding their own affairs, as a foundation for the exercise of their political rights and self-determination.

149. The foregoing provisions have been given the status of constitutional law in the new Political Constitution of 1991 which, in its article 106, specifies as follows: "The education imparted to the communities with their own linguistic traditions shall be bilingual." Article 68 of the Constitution specifies that "Members of ethnic groups shall be entitled to training which respects and develops their cultural identity."

150. With the aim of fostering the direct participation of communities in the implementation and evaluation of the ethnic educational programmes worked out with the participation and prior authorization of the indigenous councils and indigenous traditional authorities, the State undertakes to train indigenous persons as teachers, on the basis of the following requirements which are aimed at ensuring that the direction of the programmes is in the hands of the members of the same communities, promoting at the same time the ongoing professional nature of educational work:

(a) The teachers for the indigenous communities shall be appointed by the communities themselves;

(b) The teachers who are appointed must be able to speak the mother tongue and have also a knowledge of Spanish;

(c) The Ministry of National Education shall be responsible for the training of the teachers;

(d) Teachers appointed by the community shall be required to demonstrate their vocation and aptitude. A bachelor's degree shall not be required for teachers in basic primary and secondary education, since they will be required to follow professional qualification and training programmes by the Ministry of Education;

(e) Participation in a competitive examination shall not be required for appointment as teacher or headmaster of an official educational institution for indigenous children;

(f) No professional qualification will be required for the appointment of indigenous persons as educational directors in the programmes of basic secondary education and medium-level vocational training in indigenous regions;

(g) Indigenous teachers shall obtain their professional qualification in Pilot Experimental Centres (CEP) by means of special qualification systems and in conformity with the guidelines for ethnic education.

HUNGARY

151. There is no legal obstacle concerning the education of minorities in their own language. They are free to establish educational as well as cultural institutions. A source of problems is constituted by limited State support. Despite the above-mentioned over-the-average support of the State further promotion of the educational institutions would be desirable.

152. Regarding "recent immigrant groups", due to lack of material resources, institutions as well as shortage of specialists the State is not in the position to provide instruction in their mother tongue. In recent years refugees or illegal immigrants have arrived from over 30 countries. Nevertheless, the Government has made arrangements to secure instruction in their mother tongue for Croatian refugees who have fled from the civil war in the former Yugoslavia.

LIECHTENSTEIN

153. See question (IV).

MALAYSIA

154. Yes. However, recent immigrant groups (meaning illegal immigrants in the Malaysian context) have yet to organize such activities being mostly a pioneer society.

MAURITIUS

155. Yes.

RWANDA

156. Yes.

SWEDEN

157. The period of compulsory school attendance is from the age of 7 (voluntarily from the age of 6) to the age of 16. This also applies to children of asylum seekers, even when residence permits have not yet been granted. All children who use a language other than Swedish at home are offered tuition in their native language and culture.

158. There are also special courses in Swedish for immigrants. Every municipality is responsible for providing basic education in Swedish for immigrants over the age of 16. The course, which is about 700 hours long and free of charge, aims at providing general knowledge of the Swedish language and about Swedish society. The municipalities receive State grants for this education. By law (1986:163) an immigrant employee is entitled to leave of absence to attend such courses.

UNITED KINGDOM

159. It is goverment policy in England that English should be the main language and medium of instruction in schools. The top priority is to equip ethnic minority children whose mother tongue is not English with a good command of our language. Without it they will not be able to take advantage of the opportunities schools have to offer, nor to participate fully as British citizens in their adult and working lives.

160. It is also government policy that the primary responsibility for maintaining mother tongues should lie with the ethnic minority communities themselves. Many have set up their own language classes, sometimes with help from their local education authorities in the form of premises made available at reduced rent or free of charge, provision of teaching materials and resources, or access to in-service teacher training.

161. There are two forms of mother tongue provision in mainstream schools consistent with these policies. In the early primary years bilingual teachers and assistants may be made available, to ease the transition from home to school and provide access to the curriculum for children whose experience of English is limited. At secondary level, the National Curriculum Modern Foreign Languages Order requires that schools must offer one of the working languages of the European Community (EC) and may in addition offer any of the following: Arabic, Bengali, Gujerati, Hindi, Japanese, Mandarin or Cantonese Chinese, Modern Hebrew, Panjabi, Russian, Turkish and Urdu. Pupils from ethnic minority backgrounds may choose to study their mother tongue as a foundation subject for the National Curriculum if the school is able to offer it, in preference to the EC language offered by the school. Schools are also free to offer any other languages as second or subsequent languages after they have met the National Curriculum requirements.

162. In Wales it is government policy that parents should be able to choose between schools where the main medium of instruction is English and schools where the main medium of instruction is Welsh. In schools where the main medium of instruction is English, Welsh is taught as a foundation subject for the National Curriculum. In Scotland, while the curriculum is not statutorily based, broadly similar arrangements apply. In Gaelic-speaking areas Gaelic is taught and there is provision in these areas, and elsewhere, for education to be given in Gaelic medium or bilingual schools.

163. In Northern Ireland the number of pupils from linguistic minorities is very small and the need for special provision in schools does not arise. However a number of parents have chosen to have their children educated through the medium of Irish at primary level (age 4-11) and two schools are funded by the Government for this purpose.

VENEZUELA

164. See question (IV).

(vi) Do such groups or their representatives have the right and possibility to participate in the planning, implementation and benefits of development policies?

AUSTRALIA

165. Yes. In addition to the general democratic rights accorded all Australians, the Government seeks to take into account the views of special interest groups through a variety of mechanisms, e.g. funding for, and consultation with, the Federation of Ethnic Communities Councils of Australia, consultations with community groups in settlement consultations undertaken by the Minister for Immigration, Local Government and Ethnic Affairs during 1991, and the establishment of an Advisory Council on Multicultural Affairs. Some government agencies have their own mechanisms for regular or ad hoc consultation on policy and programme development. An example is the Settlement Advisory Council, consisting of representatives of ethnic communities, whose task is to advise the Minister for Immigration, Local Government and Ethnic Affairs on issues of migrant settlement.

Aborigines and Torres Strait Islander

166. The Aboriginal and Torres Strait Islander Commission Act 1989 was passed by the Federal Parliament in 1989 and proclaimed in March 1990. This was a major step towards self-management for the indigenous people of Australia. The Act established the Aboriginal and Torres Strait Islander Commission (ATSIC) by merging the Department of Aboriginal Affairs and the Aboriginal Development Commission. The purpose of the restructuring was to complement a revised administrative organization with a representative and advisory structure that would enable Aboriginal and Islander Australians to become involved in the decision-making processes affecting their lives.

167. The objectives of the Act include:

(a) Ensuring maximum participation of the indigenous people of Australia in the formulation and implementation of government policies that affect them;

(b) Promoting the concepts of indigenous self-management and self-sufficiency;

(c) Furthering economic, social and cultural development of Aboriginal and Torres Strait Islander people, and ensuring coordination in the formulation and implementation of all relevant policies and programmes without diminishing in any way the responsibilities of all Governments to provide services to Aboriginal and Islander people.

168. One of the crucial elements in the effective operation of ATSIC is the system of Regional Councils, which represent the Aboriginal and Islander people in 60 regions across Australia. These 60 Councils are grouped into 17 zones, and elected Councillors will in turn elect Commissioners to represent each of the 17 zones on the Board of Commissioners.

169. In November 1990, elections were held for the 60 Regional Councils. The 17 Zone Commissioners have also been elected to represent their constituencies. In addition, the Minister for Aboriginal and Torres Strait Islander Affairs has also appointed persons to the three non-elected positions on the Board of Commissioners.

170. ATSIC administers a government-allocated global budget, which provides flexibility in allocating available resources within programmes.

AUSTRIA

171. There are no development policies in the sense probably meant in the questionnaire. But the Government does maintain specific incentive programmes for less prosperous areas in Austria, and some of these areas are inhabited by ethnic minority groups. They benefit from these programmes in the same way as the majority and have the same possibilities to influence them through the democratic process.

BOLIVIA

172. Yes, under the provisions of the National Plan for Indigenous Defence and Development currently being implemented by the Ministry for Peasant and Agricultural Affairs, these groups participate actively in identifying the main problems affecting their communities and make suggestions for resolving them. They also participate actively in the planning and execution of development projects.

BURUNDI

173. In our country, these minority groups are not entitled to participate directly in the planning and implementation of development policies. However, they benefit from them in the same way as nationals, be it in the area of employment, education or public health.

174. At the same time, our country welcomes all positive contributions; thus, these minority groups are free to offer their opinions or views on how development should proceed in our country, which is, in fact, another way of participating in the planning and implementation of development policies. The policies adopted and the existing infrastructure are for the benefit of all, without any distinction between Burundi's minority groups and its citizens. The obstacles facing minority groups are the same as those facing nationals, namely, the very limited resources of our country.

COLOMBIA

175. The Programme for Indigenous Peoples is being implemented in the areas hardest hit by the political and social conflicts in contemporary Colombian society; it is part of the National Rehabilitation Plan (PNR), a State programme which is of major importance in carrying out the regional development policy which gives priority to national reconciliation.

176. The National Rehabilitation Plan operates by encouraging communities to participate in carrying out projects of benefit to them, thus permitting those communities to participate in setting their priorities and needs. Municipal authorities and State agencies are responsible for gathering the information to coordinate the implementation of the projects. The Municipal Rehabilitation Boards (CMR) are the mechanisms in which those sectors come together for decision-making and programme implementation. All these operations are reviewed by the Popular Inspectorates, thus allowing communities to monitor the implementation of the projects considered to be fundamental.

177. Under the Plan, programmes are carried out in the areas of infrastructure, public services, education, health and training in participation.

178. The policy for indigenous peoples, which is implemented within the framework of the Plan, seeks to strengthen the communities through activities which secure their means of subsistence and cultural transmission, ethnic identity, community organization and their legally recognized collective and individual rights. Implementing those actions has called for the active participation of these groups in taking decisions on the problems which affect them; in addition, access of these groups to the economic, technical and human resources needed to carry out the projects has been facilitated.

179. The Programme for Indigenous Peoples began in 1988 as an attempt to extend the policies and programmes of the PNR to indigenous communities which, for reasons which will be explained, did not have an active role during the first year of the Plan in 1987.

180. The overall objectives of the Programme and the main activities realized thus far are described below.

181. In respect of land questions, they seek to guarantee the right to the land on which these communities evolve culturally and economically, by the implementation of the existing legislation concerning land for indigenous communities.

182. The following activities have been undertaken:

(a) Seventy-seven resguardos have been set up covering 12,886,577.5 hectares. The setting up of further resguardos as soon as possible is a priority issue, in areas of settlement where the settlers, coming from different regions of the country, are occupying indigenous land. Most of these settlers usually have misconceived ideas as to what constitutes unowned wasteland that can be made available for their use, irrespective of the rationale of the process adopted;

(b) The acquisition of land. With a view to constituting, developing and extending resguardos the PNR devoted 30 per cent of earmarked resources to communities, thereby achieving substantial gains in the different regions of the country. The PNR invested 1,900,902 pesos in purchasing 24,000 hectares of land.

183. In the economic sphere, efforts are being made to develop productive programmes aimed at strengthening the economic base of the communities, promoting self-sufficiency, as necessary. The achievement of this objective transcends considerations of profitability without, however, disregarding their importance. Activities are focused on selecting productive systems that give good returns and are founded on appropriate technical assistance and the training of indigenous persons, in conformity with the bases for the economic operation of the community. The productive policies of the PNR have been as follows:

(a) Programmes to increase the production of foodstuffs in communities that lack the means to practise their traditional economy. Programmes have gone ahead for the breeding of small animals as well as traditional crops and subsistence farming;

(b) Programmes to increase self-sufficiency, which produce surpluses for marketing;

(c) Programmes to strengthen links with the market economy by medium and long-term crops, marketing programmes and credit.

184. To carry out the above programmes, development projects have been devised whose implemention takes into account the communities' capacity to generate surpluses. This activity has encountered difficulties which are centred on the inability to support collective productive projects due to the emphasis given in previous programmes to the individual and to the loss of the collective tradition in the communities.

185. A description is given below of the machinery devised as the financial input for the programmes and which also strengthens the communities' capacity for decision and organization. This machinery is the Indigenous Projects Fund, the FPI, whose origin and rationale are to be found in the specificities of the indigenous groups in relation to other groups that take part in the

Municipal Rehabilitation Boards, such as peasants and settlers. This situation made it necessary to devis a specific programme for the indigenous populations within the PNR.

186. The fundamental objective is to strengthen the self-management capacity of the indigenous communities through their local authorities, in formulating, executing and monitoring small-scale community projects selected and managed directly by them. Health, production, infrastructure and training projects are assisted in this context.

187. The system was put into practice in our country for the first time in 1988 and involves the recognition in practice of the right of indigenous inhabitants to contract directly with the State for projects of community interest; this in turn calls for strengthened participation and consolidation of the rules that govern the communities. In addition to the actual projects and services that are brought into being, the benefits are reflected in the affirmation of traditional forms of work, the training of the communities in participation, contracting and management of projects, all phases of which are backed up by the technical assistance of the agencies operating in the regions.

188. Another important sphere of activity is that of the preservation and use of natural resources. Efforts are being made to harmonize policies on the siting and development of economic activities, with the guarantee of the preservation of the balance of the various habitats found in the territories on which the indigenous population is settled, and in which there are forest areas and fragile ecosystems.

189. This task is becoming more urgent in that the new resguardos are located in forests of considerable biodiversity in which ecological deterioration may occur if the forest soil policy is changed. The 244 resguardos created since 1961 are included in the classification of new areas; together with the 67 "old" areas, they cover an area of 23 million hectares.

190. It is vital to draw attention to the new concepts about land for settlement and its proper use which have been incorporated into the programmes of agrarian reform and for the development of indigenous communities. It has been necessary to undertake a thorough re-examination of the concept of "unowned wasteland", particularly in those regions where settlers, indigenous inhabitants and peasants live side by side.

191. What for the settler is "unowned wasteland", for the indigenous inhabitant is his traditional territory and natural medium for human development. Unowned wasteland may also be wood or forest, which can therefore be cleared and exploited in a way that is not conducive to its conservation, in order to obtain a title deed.

192. The State has a duty, through environmental policies such as those identified in the Development Plan for 1990-1994, to replace this concept of improperly used land or land in need of improvement by another concept which emphasizes conservation and rational exploitation of the soil. The

conservationist view of the exploitation and use of the land is rooted in the traditions of the indigenous communities, in their cultural vision of the land as possessor of life. This cultural vision can teach the State and other groups such as settlers to develop more rational programmes. The foregoing implies a long-term process of re-education and consciousness-raising involving a change in the attitudes that are giving rise to very sharp clashes and differences in certain regions.

193. The orestry Plan for Colombia was initiated in 1989 to address this important objective; it includes projects carried out with the indigenous communities.

194. Social advancement, basic community infrastructure and overall development are areas which the Plan addresses with its own resources as well as by channelling and coordinating resources from entities such as the Ministries of Education and Health and the Regional Development Corporations. The programmes include: the construction of indigenous housing, the construction of water supply systems, the construction, repair and equipping of schools and health centres, programmes for housing improvements, the construction of roads and bridges, the training of indigenous health workers and bilingual and intercultural education programmes.

195. With regard to education, the PNR assists the process of ethnic education (see question (v)) to enable the indigenous communities to participate in gearing education towards strengthening and developing their cultural identity and autonomy. The activities supported by the PNR in various regions of the country include: the development of education programmes, the training of indigenous teachers, the drawing up of programmes that correspond to cultural characteristics, the hiring of indigenous teachers, the building and equipping of schools and sponsoring the setting up of inter-agency education committees for indigenous persons with the participation of indigenous organizations.

196. In the sphere of health, activities had to be organized outside the traditional concepts of medicine of each community, and it has also been necessary to take account of the changes which have occurred in such factors as diet, brought about by changes in the ecosystem, economic activity and consumer patterns.

197. The particular case of housing is illustrative of these changes in that traditionally dispersed communities have been brought together in new settlements which need to be equipped with all basic services in order to prevent the transmission of new diseases which communities cannot combat effectively using traditional medicine. The outcome of this is that traditional medicine is being displaced by Western medicine, whose coverage should be extended increasingly by State institutions.

198. The activities initiated by the PNR together with the Ministries of Health and the Regional Development Corporations are as follows:

(a) Adapting health programmes to regional and cultural conditions;

(b) Environmental improvement;

(c) Training of indigenous community workers;

(d) Training of medical and paramedical staff to work with indigenous communities.

In the spheres of health and education, there is an urgent need to train specialized staff and to support research programmes in ethnolinguistics and traditional medicine in order to optimize State activities. This task is being carried out by agencies such as the Institute of Anthropology, in cooperation with the National University and the University of the Andes.

HUNGARY

199. At the local level, the participation of minorities is facilitated by affirmative actions. The local electoral law helps them rise to local leadership and guarantees their representation even in the case of small communities.

200. At the national level the political organizations of minorities are regarded as partners by the various government organs. The obligation to consult the minorities before adoption of laws and regulations relating to them is required by law. Minority organizations have been involved in the preparation of the Bill on Minorities, which affords further guarantees for effective participation.

MALAYSIA

201. All Malaysians, including the minority groups as identified in (i) above, enjoy these rights and privileges. As for the recent immigrant groups, the response under (v) is applicable.

MAURITIUS

202. Yes.

RWANDA

203. Yes.

SWEDEN

204. Special measures are being considered as regards the Sami population. In view of the Sami's position as an ethnic minority in the areas where they live, a Government committee was given the task of: examining the possibilities of strengthening the Sami's legal position in matters which concern the reindeer-breeding industry, discussing the need for a popularly elected Sami body which can represent the Sami people in various contexts, and proposing measures to strengthen the position of the Sami language.

205. The committee concluded its work in November 1990 by submitting a report to the Government on the position of the Sami language. The committee proposed that it should be possible for the Sami people to use their language in contacts with certain public authorities which deal with matters connected with the Sami way of life and with certain municipalities in the main Sami areas.

206. The committee had earlier proposed amongst other things, that the special position of the Sami as an ethnic minority and as an indigenous people in Sweden should be laid down in the Constitution.

207. In addition, the committee has proposed that a special law should be passed containing provisions to further Sami culture and society, primarily through the establishment of a representative elected body, a Sami parliament. The aim would be a body which would be able to represent the Sami people in various contexts. The committee suggested such a parliament to have a position comparable to that of a central Government authority.

208. The committee also proposed that the legal position of reindeer herding be strengthened by tying the special Sami pasturing rights, the reindeer-herding rights, more clearly and more firmly to land which has traditionally been used for the reindeer-breeding industry. The purpose of the proposal was to save and protect the various grazing areas. The rights of the forest owners have already been restricted in the reindeer-herding areas which are used all the year round. The forest owners need permission for tree-felling. Before the authorities grant such permission they consider, among other interests, those of the reindeer herders.

209. The committee's proposals are currently being considered by the Government. A bill is expected this year.

210. The organizations of the immigrants are often consulted before proposals for legislation are being elaborated. All Government Commissions on immigration policy have in recent years had reference groups, which have included representatives from the immigrant organizations in Sweden.

211. Foreign nationals who have been legally resident in Sweden for more than three years can participate in municipal and county elections. Those who have the right to vote are also eligible to the municipal and county councils.

UNITED KINGDOM

212. Representatives of minority groups are appointed to advisory bodies which advise Ministers on the development and implementation of a range of issues. Such bodies include the Advisory Council on Race Relations and the Race Relations Employment Advisory Group.

VENEZUELA

213. With few exceptions, the indigenous communities are linked in various ways to the momentum of the country. They take part in the economy of their regions as producers, consumers and labour force. They participate, albeit with certain limitations, in the planning and execution of development programmes implemented in their communities.

214. With regard to the other minorities, Venezuelan legislation takes them into account in policy planning, and foreigners duly registered and naturalized in the country receive the full benefits extended to the population, although there are constitutional restrictions on the exercise of certain political rights.

(vii) In regard to the economic conditions of minority groups, is their average standard of living, life expectancy and child mortality rate approximately the same as that of the national average?

Where federal structures exist based on criteria of nationality, the response to question (vii) should compare both the situation among the different nationalities within the federation and that of different ethnic, cultural and linguistic groups inside each of the member States, or republics, or the federation.

AUSTRALIA

215. The average standard of living of the overseas born is approximately the same as the national average. For example, there was no appreciable difference in incomes between the Australian born and the total overseas born at the 1986 Census. There are, however, some differences between the averages for migrants from English speaking countries and non-English-speaking countries, with the former tending to have a higher representation in the higher income categories and a lower average rate of unemployment. Many of these differences appear to be associated with factors such as period of residence in Australia, the age profile of the birthplace group and proficiency in English.

216. Some of the more recently arrived immigrant groups have higher rates of unemployment than their predecessors, and in general migrants suffer more severely in periods of high unemployment than the general population.

217. With reference to health (or ill-health), data for age specific death rates for 1988 show that persons born overseas experience lower levels of mortality than the Australian born for all age groups.

218. A detailed examination of these matters can be found in the report "The Economic Status of Migrants in Australia" commissioned by the Bureau of Immigration Research and published by the Australian Government Publishing Service, a copy of which has been submitted to the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities, with this questionnaire response.

Aborigines and Torres Strait Islanders

219. Aborigines and Torres Strait Islanders are now the most disadvantaged Australians. On every available measure of social and economic disadvantage Aboriginal and Torres Strait Islander people record worse outcomes, face greater problems and enjoy fewer opportunities than the rest of the Australian population. The poverty and relative powerlessness of Australia's indigenous people is reflected in inferior education, employment, income and housing. The following indicators underline the extent of the Aboriginal and Torres Strait Islander disadvantage and set the framework for the scale and direction of Government policies to redress these inequities.

(a) Employment

(i) The vast majority of Aboriginal and Torres Strait Islander people are either unemployed or located in poorly paid, low-skilled and insecure jobs;

(ii) The overall rate of Aboriginal and Torres Strait Islander unemployment is almost four times the national average;

(iii) Less than 3 per cent of employed Aboriginal and Torres Strait Islander people own their businesses compared with 15 per cent of other Australians;

(iv) Only one-third of Aboriginal and Torres Strait Islander people of working age are employed, whereas two-thirds of other Australians of working age have jobs;

(v) Aboriginal and Torres Strait Islander dependence on welfare remains unacceptably high, with nearly one-third of all Aboriginal and Torres Strait Islander people of working age having to depend on Jobsearch Allowance or Newstart benefits for their income, a rate more than six times the national rate;

(vi) Aboriginal and Torres Strait Islander incomes are, on average, only half the levels enjoyed by other Australians.

(b) Education

(i) The low employment status of Aboriginal and Torres Strait Islander people reflects in large measure poor access to education and training. The percentage of Aboriginal and Torres Strait Islander people who have never received schooling is much higher than for the total population, while Aboriginal and Torres Strait Islander people who do attend school do so for shorter periods of time;

(ii) Fewer than 50 per cent of Aboriginal and Torres Strait Islander children have had some pre-schooling experience, compared with a national rate of greater than 90 per cent;

(iii) Only 85 per cent of Aboriginal and Torres Strait Islander children of compulsory schooling age are participating in primary or secondary education, compared with a national participation rate of almost 100 per cent;

(iv) About 30 per cent of Aboriginal and Torres Strait Islander people aged 16 and 17 years are participating in education or formal training, compared with a national rate of 75 per cent;

(v) Only 7 per cent of Aboriginal and Torres Strait Islander people aged 18 to 20 years are participating in education or formal training, compared with a national rate of more than 40 per cent;

(vi) A mere 4 per cent of Aboriginal and Torres Strait Islander people aged 20 to 24 years participate in education or formal training, compared with a national rate of 20 per cent;

(vii) In all, about 11 per cent of Aboriginal and Torres Strait Islander people aged 15 years and over have never attended a school;

(viii) Only 10 per cent of the Aboriginal and Torres Strait Islander populations aged 15 years and over have post-school educational qualifications, compared with a national proportion of 31 per cent.

(c) Health

(i) Aboriginal and Torres Strait Islander people remain chronically disadvantaged in the area of health. By virtually every status measure, and in almost all disease categories, the health of Aboriginal and Torres Strait Islander people is much worse than that of other Australians;

(ii) Across Australia in all age groups, Aboriginal and Torres Strait Islander people experience mortality rates almost three times that of the total population. Premature death is far more frequent;

(iii) Aboriginal and Torres Strait Islander people are admitted to hospital between 1.6 and 3.2 times more frequently than other Australians, and the incidence of chronic disability is much greater;

(iv) The Aboriginal and Torres Strait Islander infant mortality rate remains at more than twice the national rate and peri-natal mortality is almost twice that of other Australians;

(v) Death rates among Aboriginal and Torres Strait Islander people associated with diseases of the circulatory system are 2.9 per thousand for males and 2.0 per thousand for females, twice the rates for the total Australian population;

(vi) At least 10 per cent of Aboriginal and Torres Strait Islander people suffer from diabetes, far greater than the national average;

(vii) Aboriginal and Torres Strait Islander people, especially those living in hot, dry areas, continue to suffer more eye disease than other Australians.

220. There is no significant difference in terms of the features enumerated between "settled minorities groups" and the national average.

BOLIVIA

221. Because of the character of their subsistence economy, the standard of living of the ethnic groups is below the national average. The groups cannot solve their health problems by themselves and must be given Government assistance through the Ministry of Social Welfare and Public Health and other non-governmental institutions. In recent years, this assistance has been instrumental in reducing child and adult morbidity and mortality among the ethnic groups. However, until the endemic diseases affecting them, such as parasitosis and leishmaniasis, are eradicated, these rates are bound to remain very high.

BURUNDI

222. The population of Burundi shares the national heritage equitably, without any discrimination. Nowadays, no ethnic group is placed at an advantage or a disadvantage in relation to another group.

223. At the economic level, life expectancy, child mortality and the standard of living of these minority groups are exactly the same as those of nationals. They may even be higher than the national average since the minority groups living in Burundi are mostly shopkeepers. For example there are the West Africans, the Asians and a few nationals of Rwanda. The remainder are public administration or private sector employees, or farmers to whom the State has allocated land for cultivation.

224. Members of minority groups who are farmers have received land and have been resettled among the national population. There is therefore no difference between them and the national population. The same applies to refugees, particularly refugees from Rwanda and some from Zaire. It cannot therefore be said that minority groups in Burundi are disadvantaged in relation to nationals.

COLOMBIA

225. There are no statistics available in Colombia on the standard of living of the ethnic and indigenous groups which make it possible to establish with documentary evidence the state of health of these groups.

HUNGARY

226. The social and demographic situation of minorities is similar to that of the Hungarian population, the only exception being the gypsies, whose indices of schooling, employment and living standards is lower, child mortality rate is higher, and their health conditions are worse.

227. Hungary has no federal structure, but its development shows a strongly varied pattern by geographical region. Most Gypsies live in underdeveloped areas, where the living standards of the Hungarian population are likewise lower than the national average, but higher than the average for Gypsies.

LIECHTENSTEIN

228. No such statistics have been made in Liechtenstein. It can however be expected that life expectency as well as the infantile mortality rate is the same as of nationals, since the same medical facilities are provided.

MALAYSIA

229. Where minority groups are located in remote and rural areas their standard of living is perceived to be lower than that of the national average as they have yet to be fully integrated into a cash economy.

MAURITIUS

230. The same as that of the national average.

RWANDA

231. Yes.

SWEDEN

232. There are no statistics available regarding the economic conditions of minority groups, their average standard of living, life expectancy and child mortality rate.

UNITED KINGDOM

233. Our available statistics do not exactly lend themselves to this question. We have provided statistics on the indicators which seemed most appropriate with some commentary, and tables.

234. Standard of living

As far as we are aware, there is no agreed definition of this term. However, various indicators might be used (e.g. income, housing, unemployment rate), from which a picture of "standard of living" may emerge;

(a) Income

Unfortunately, there is no reliable data on income by ethnic group available;

(b) Housing

For housing: tenure, type and age of the property are useful indicators.

Table 1a shows that households headed by someone of Indian origin (84 per cent) and Pakistani/Bangladeshi origin (67 per cent) were more likely to be owner occupiers than whites (64 per cent); whereas households headed by someone of West Indian origin (47 per cent) were less likely than whites to own their property. The reverse was true of those renting their housing;

Perhaps more indicative of standard of living is the type of accommodation that the different ethnic groups live in. Table 1b shows that households headed by someone of West Indian origin (43 per cent) were most likely of all the ethnic groups to live in a flat or maisonette, those of Indian and Pakistani/Bangladeshi origin (47 per cent and 56 per cent respectively) were most likely to live in terraced housing and whites (52 per cent) were most likely to live in detached/semi-detached properties;

Another factor which should be taken into account is age of property. Table 1c shows that over two thirds (68 per cent) of Pakistani/Bangladeshi households lived in the oldest properties (pre 1919). This compared with about one-third (34 per cent) of Indian households and about the same (31 per cent) of West Indians. Less than one-quarter (23 per cent) of white households lived in the oldest properties. At the other end of the scale, a slightly higher proportion (15 per cent) of West Indian households lived in the newest properties (post 1974) than whites (12 per cent). Indian (9 per cent) and Pakistani/Bangladeshi (5 per cent) recorded the lowest proportions of households in the newest properties;

Whilst the above may give a description of the housing itself, a measure of household density (number of persons per room) can also be instructive. From table 2a, it can be seen that households of Pakistani/Bangladeshi origin (43 per cent) are the most likely of all the ethnic groups to have more than one person per room; the next most likely group were Indians (22 per cent). West Indian households too (12 per cent) were more likely than whites (6 per cent) to have more than one person per room. This household density is perhaps not surprising as Pakistanis/Bangladeshis and Indians have the greater household sizes (as given in table 2b);

(c) Unemployment rate

Table 3a shows that persons of Pakistani/Bangladeshi origin (25 per cent of those of working age) experienced the highest rates of unemployment over the period. This compared with whites (9 per cent), Indians (11 per cent) and West Indians (16 per cent). Even after adjusting for qualifications, the unemployment rate for the ethnic minority population is higher (for each qualification category) than that for whites (see table 3b);

235. Life expectancy

We have no figures for life expectancy by ethnic group.

236. Child mortality rate

Table 4 shows infant death rates (i.e. deaths under one year of age per one thousand live births) by country of birth of mother. Death rates were highest (15.3 per thousand) for infants of mothers whose (own) country of birth was the African commonwealth (excluding East Africa). Rates were similarly high (14.6 per thousand) for infants of mothers whose (own) country of birth was Pakistan. The rate of infant deaths whose mothers were born in the Caribbean commonwealth (10.2) and of those born in India (9.6) was only slightly higher than the average for mothers born in the United Kingdom (8.8). There is no information on infant death rates by ethnic origin.

Table 1a

Housing tenure by ethnic origin

Ethnic origin	Owner Occupier per cent	Renting per cent
White	64	36
West Indian	47	53
Indian	84	16
Pakistani/Bangladeshi	67	33
Other	49	51

Source: OPCS GHS 1987-1989

Table 1b

Housing type by ethnic origin

Ethnic origin	Detached/ Semi-detached per cent	Terraced per cent	Flat or Maisonette per cent
White	52	29	19
West Indian	19	37	43
Indian	39	47	13
Pakistani/Bangladeshi	25	56	18
Other	26	31	43

Source: OPCS GHS 1987-1989

Table 1c

Age of property by ethnic group

Ethnic origin	Pre 1919 per cent	1919-1939 per cent	1940-1974 per cent	post 1974 per cent
White	23	23	42	12
West Indian	31	24	29	15
Indian	34	34	23	9
Pakistani/Bangladeshi	68	14	13	5
Other	32	28	27	11

Source: DoE Housing Trailer to LFS 1988

Table 2a

Persons per room by ethnic origin

Ethnic origin	More than one person per cent
White	6
West Indian	12
Indian	22
Pakistani/Bangladeshi	43
Other	21

Source: OPCS GHS 1987-1989

Table 2b

Family size by ethnic group

Ethnic origin	Number of persons		
	1-2 per cent	3-4 per cent	5 or more per cent
White	59	34	8
West Indian	49	41	10
Indian	23	45	32
Pakistani/Bangladeshi	15	26	60
Other	45	38	18

Source: OPCS LFS 1987-1989

VENEZUELA

237. The average living standard of registered and recognized minorities is similar to that of nationals and similarly depends on social and economic factors.

238. The living standards of the indigenous population are lower than those of the rest of the population, despite the efforts that have been made by the National Government to address this situation.

(viii) If some minority groups are disadvantaged relative to the national average, have they been provided with the opportunity to improve their situation by their own efforts?

AUSTRALIA

239. Yes. The social justice aspect of the Australian Government's policy of multiculturalism seeks to ensure the right of all Australians to equality of treatment and opportunity, and the removal of barriers of race, ethnicity, culture, religion, gender and place of birth. As well, the economic dimension of multiculturalism recognises the need to maintain, develop, and utilize effectively the skills of all Australians, regardless of background.

240. The greatest disadvantages experienced by migrants to Australia are a result of poor English proficiency. The Government provides substantial programmes, for both children and adults, to learn English.

Aborigines and Torres Strait Islanders

241. Please refer to (vi) above for details of creation of the Aboriginal and Torres Strait Islander Commission and its objectives to improve the situation of Aboriginal and Torres Strait Islander groups.

AUSTRIA

242. See question (vii)

BOLIVIA

243. Yes, in order to respect and protect their cultural values, health professionals use traditional medicine in treating the indigenous groups and only in cases where traditional medicine fails to obtain the desired results do they apply Western medicine. All these programmes are supported by the Ministry of Social Welfare and Public Health. The National Council for Solidarity and Social Development, which comes under the Office of the President of the Republic, and some Evangelical and Catholic missions operating in the country under agreements with the Government are also engaged in programmes for improving health assistance to these ethnic groups.

BURUNDI

244. See question (vii).

COLOMBIA

245. As described earlier in this questionnaire, the activities for the minorities living in Colombia are being implemented through the National Rehabilitation Plan and the State agencies involved in indigenous matters at the national, regional and local levels.

246. In addition to what was report earlier, reference is made below to the situation of the indigenous communities in the Municipal Rehabilitation Committees in 1987, the first year in which the National Rehabilitation Plan was implemented. For many of them, their participation in the Committees was inequitable because of disadvantages of a linguistic, cultural and geographical nature. In view of these, decision-making bodies known as Committees of Traditional Authorities, CATs, were set up.

247. The function of the CATs is to convene the members of the community, through their internal participation and coordination mechanisms, to diagnose and analyse their situation in order to propose alternative solutions. The idea of the Committee of Traditional Authorities is based on:

(a) Recognition of the fact that the indigenous communities are entities which have the right to possess and administer a given territory and the authority to decide on their own development programme;

(b) The need to incorporate within the National Rehabilitation Plan their own forms of organization, authority, participation, consultation and internal coordination to enable the communities, in the light of their intrinsic characteristics, needs and aspirations, to make decisions to achieve autonomous and self-sustained development with the direct participation of the communities.

248. Responding to the circumstances which gave rise to them, the CATs adapted themselves to the regional situation. The typology based on the degree of institutional presence and on the degree of institutional coordination was taken into account, is described below:

(a) In areas where there is no institutional presence, (for instance the Department of Vichada), the CATs consisted of members of the community and coordinating officials of the PNR, and were visited occasionally by some agency;

(b) In areas where there is some level of institutional presence but a notable lack of institutional coordination (Department of Putumayo), the CATs were organized in the same way as in (a);

(c) In areas where there is a high level of institutional and coordinating presence, general CATs were formed to bring all the communities together, as well as area meetings to address issues particular to each community (the case of the Sierra Nevada de Santa Marta);

(d) In areas where there was participation in the CMRs, the CATs were also used to address specific issues such as land and conflicts with other groups (case of the Departments of Cauca, Nariño and Tolima);

(e) In areas such as Uraba in the Department of Antioquia, where for logistical and operational reasons participation in the CMRs and the establishment of CATs encountered difficulties, the Uraba Committee was set up with the participation of agencies and the Indigenous Organization of Antioquia in conjunction with visits to the communities by coordinators from the PNR, the Division of Indigenous Affairs and INCORA.

HUNGARY

249. The Gypsies have full freedom to establish and maintain their own associations and the freedom of enterprise is guaranteed for them. The Government gives financial support for the operation of more than 80 of their organizations, including several representative ones at the national level. Many of the local self-governments accepts as a negotiating partner the representative of Gypsies even if he or she has obtained no mandate in local election.

250. Self-reliance is nevertheless insufficient for effecting any substantial change in the situation of Gypsy communities, which need significant support from the state.

LIECHTENSTEIN

251. Such cases are not known. Own efforts would certainly not be hindered.

MALAYSIA

252. Yes. Strenuous efforts have been undertaken. The National Development Policy has the following policy statements:

> "-- reducing and ultimately eliminating the social and economic inequalities and imbalances in the country to promote a fair and more equitable sharing of the benefits of economic growth by all Malaysians."
>
> "-- promoting and strengthening national integration by reducing the wide disparities in economic development between States and between urban and rural areas."
>
> (Source: Sixth Malaysian Plan 91-95, pp. 4 and 5)

MAURITIUS

253. The same as that of the National Average.

RWANDA

254. Yes.

SWEDEN

255. See answer to question (vi).

256. A special law (1990:632) on contributions for immigration policy projects gives the Swedish Immigration Board increased possibilities to grant financial support. The aim is to promote good ethnic relations and to strengthen the organizational activities of the immigrants. The projects can e.g. relate to children of refugees, immigrant women, and social activities of religious communities of immigrant groups.

UNITED KINGDOM

257. The Government has introduced a range of measures aimed at reducing any disadvantage suffered by members of the United Kindgom's ethnic minority communities. For instance, section II of the Local Government Act 1966 empowers the Home Secretary to pay grant to local authorities to meet the salary costs, at a maximum rate of 75 per cent of expenditure, of additional staff whom they have to employ to meet the special needs of their New commonwealth communities. The case for grant is made where it is shown that members of the New Commonwealth communities face barriers of language and culture which prevent their gaining full access to local authority services and that because those services are not available to them they suffer identifiable disadvantage.

VENEZUELA

258. Some descendants or members of minority groups confirmed to be living in critical poverty have access to certain compensatory social programmes such as a food allowance and school uniform, although only if they are duly registered and enrolled in the formal education system.

(ix) Have disadvantaged minority groups benefited from policies of affirmative action?

AUSTRALIA

259. No. With the possible exception of some policies directed to Aboriginal and Torres Strait Islander people, affirmative action policies have not been adopted in relation to minority groups. Other policies - the Governments's overall policy of multiculturalism and its Access and Equity Strategy - seek to ensure equality of opportunity by the removal of the effects of barriers of race, culture or language.

Aborigines and Torres Strait Islander

260. Significant improvements in many areas have accompanied the Commonwealth's involvement in Aboriginal and Torres Strait Islander affairs. Health is being improved. Infant and maternal deaths for example have declined by more than 60 per cent in the past 20 years. The incidence of chronic trachoma has decreased dramatically.

261. Aboriginal and Torres Strait Islander people are increasingly gaining control over their own lives. Over 460,000 hectares of land have been handed back to Aboriginal communities in the Northern Territory under the Aboriginal Land Rights (Northern Territory) Act 1976.

262. Over 2,000 Aboriginal and Torres Strait Islander community organizations now provide a focus for community development.

263. In education, over 80,000 persons - more than 30 per cent of the Aboriginal and Torres Strait Islander populations - are now in some form of formal education and training. Illustrative of improvements in outcomes in Aboriginal education is that while 308 Aboriginal and Torres Strait Islander people completed courses at higher education institutions in 1988, in 1989 the figure rose to 549. School retention rates have also improved markedly with the number Abstudy* recipients undertaking Year 12 almost doubling between 1987 and 1991. *Abstudy is a Federal Government funded living allowance to encourage and assist Aborigines and Torres Strait Islanders to take full advantage of educational opportunities available to other Australians.

264. Considerable progress has been made towards equitable access for Aboriginal and Torres Strait Islander people to permanent employment in the public sector. Since 1979 the proportion of Aboriginal and Torres Strait Islander people employed in the Australian Public Services (APS) has more than trebled: today at least 1.3 per cent of APS permanent employees are Aboriginal or Torres Strait Islander.

265. There have also been substantial falls in Aboriginal and Torres Strait Islander imprisonment rates in some jurisdictions following the Commonwealth's initiative to establish the Royal Commission into Aboriginal Deaths in Custody. It is estimated the proportion of Aboriginal and Torres Strait Islander prisoners has fallen overall from about 15 per cent in 1987 to about 13 per cent in 1989.

Reconciliation

266. The Federal Government's process of reconciliation and the Final Report of the Royal Commission into Aboriginal Deaths in Custody provide the framework to redress in a comprehensive fashion the Aboriginal and Torres Strait Islander disadvantage in the lead up to the centenary of the Australian Federation in 2001.

267. The Royal Commission endorsed the process of reconciliation as "the fundamental backdrop to reform and change" for Aboriginal and Torres Strait Islander people. It commented that "reconciliation of the Aboriginal and non-Aboriginal communities must be an essential commitment of all sides if change is to be genuine and long term".

268. The purpose of the process of reconciliation is threefold:

(a) To tackle the general lack of awareness of Aboriginal and Torres Strait Islander issues among non-Aboriginal people in Australia. Principally, the process will aim to create a better understanding in the general community of Aboriginal and Torres Strait Islander history, cultures, dispossession, continuing disadvantage and the need to address that disadvantage;

(b) In recognition of the fact that there can be no reconciliation without justice, to build a national commitment from governments at all levels to cooperate and coordinate with ATSIC to address progressively Aboriginal and Torres Strait Islander disadvantage and aspirations in relation to land, housing, law and justice, cultural heritage, education, employment, health, community infrastructure and economic development;

(c) To consider whether reconciliation between Aboriginal and Torres Strait Islander people and non-Aboriginal people would be advanced by a formal document or documents.

AUSTRIA

269. see question (vii)

BOLIVIA

270. Even before the Agragrian Reform (1953), the national governments of Bolivia were always concerned about the economic and social situation of the country's minority groups. However, in the last few years, because of the pressure of claims and in order to avoid disputes, a number of Supreme Decress (22609, 22610, 22611) and Supreme and Ministerial Orders have been promulgated to consolidate the lands which the various ethnic groups have been occupying, and make land over to them where necessary.

COLOMBIA

271. As indicated in the previous answers, the State has for some time been carring out affirmative action programmes or specific and special activities by which it has endeavoured to give practical effect to the concept already expounded, of equivalent rights.

HUNGARY

272. Affirmative actions, including legislative measures and material support, to help reduce the disadvantages arising from minority status is an essential element of the minority policy of the Hungarian Government. These actions may be summarized as the following:

(a) Legislative measures: Like political parties, the minorities may, in local elections, draw up lists enabling them to obtain votes in several electoral districts. Two thirds of the otherwise required number of votes are sufficient for obtaining a mandate. In case of not reaching the required number of votes by any of the candidates, the representative having received the greatest number of votes becomes a member of the local representative body without the right to vote;

(b) Material support: The representative organizations of minorities receive State support, which practically covers the costs of operation. Additional support is provided by the Foundation for National and Ethnic Minorities in Hungary, which is funded by the state budget. Minority groups receive support from several cultural foundations. State support for

education of the minorities is 40 per cent higher than the national average. Higher level education in the mother country is promoted by government scholarships. The Government provides above-average support for the establishment of minority schools.

273. Regarding the Gypsies no special affirmative actions are confined only to them, but they enjoy the same benefits as accorded to other minorities. The social welfare system is free from any kind of discrimination. Additional support is given to areas of economic crisis more densely populated by Gypsies. Professional retraining programmes organized for unemployed Gypsies receive support from foundations, which similarly provide assistance for the so-called summer "living habit camps" organized for Gypsy children and families. People's colleges of Gypsies imparting legal, political and economic knowledge are financed by the Government.

274. There are no compulsory quotas in education or employment. There is a decree in force on setting up a Gypsy university faculty. Several specialized secondary schools for Gypsies are on blueprint.

MALAYSIA

275. Yes.

MAURITIUS

276. No, as all nationals are treated equally.

RWANDA

277. Yes.

SWEDEN

278. See question (viii).

UNITED KINGDOM

279. The Race Relations Act 1976 contains positive action provisions whereby employers can help people from the ethnic minority communities realize their full potential. Positive action describes a range of measures (for example training or placing advertisements in the ethnic minority press) which employers or other persons or bodies can lawfully take to help people from ethnic minorities compete for jobs on an equal footing with the rest of the workforce. Taking positive action does <u>not</u> mean discriminating in favour of certain racial groups at the points of final selection for employment; this would constitute positive discrimination, which is unlawful.

VENEZUELA

280. Recognized minority groups are included in the affirmative action policies intended for the rest of the population.

281. The Venezuelan Government has endeavoured to improve the situation of the indigenous communities by means of social projects and investments directed particularly towards these populations.

(x) Do minority groups have direct representation in national legislatures?

AUSTRALIA

282. Not in the sense of reserved seats in Parliament. However, all permanent residents are entitled to apply for Australian citizenship after two years' residence in Australia, and once granted Australian citizenship they have the right to vote in elections at all three levels of Government - federal, State and local government.

AUSTRIA

283. There are no special provisions to ensure the representation of ethnic groups or other minorities in this country's legislative bodies. None the less, members of ethnic groups do hold seats both in the National Assembly in the legislature of the State of Burgenland. Foreigners cannot be members of legislative bodies.

BOLIVIA

284. Although the Bolivian Constitution accords all Bolivian citizens the same rights and obligations, these groups are not yet directly represented in the National Parliament.

BURUNDI

285. They are not directly represented in the national legislative bodies since the legislation of Burundi does not envisage such an arrangement. However, this situation does not prevent their interests, their rights and their freedoms from being fully protected by national law in the same way as for nationals. They are also represented by the diplomatic and consular corps of their countries of origin as well as by the Office of the High Commissioner for Refugees, in the case of political refugees.

COLOMBIA

286. The new Constitution established a special national constituency for indigenous communities in the Senate of the Republic, with the participation of two indigenous persons, in addition to the 100 elected members from national constituencies (Article 171).

287. A special constituency was established in the Chamber of Representatives to elect five members to secure the participation of ethnic groups, political minorities and Colombian citizens residing abroad (Article 176).

288. In compliance with this provision, in the elections of 27 October, three indigenous persons were elected to the Senate, two of them for the special constituency and one for a national constituency. This representation accounts for 3 per cent of the Senate, for a population representating 2 per cent of the national population.

289. The provision relating to the Chamber of Representatives has not, however, been regulated. However, two indigenous persons occupy seats in the Chamber as a result of the recent elections for collegiate bodies.

HUNGARY

290. The Hungarian Parliament is unicameral, with each MP elected. Out of the 386 MPs, 24 have declared themselves to belong to a minority group. They were elected in individual constituencies or on a party list. The law guarantees direct representation of minority parties, but practically there is no directly elected representative of any minority. Two minority (Gypsy) parties ran for election in 1990, but their candidates did not receive the required number of votes.

291. There is a Committee on Human Rights, Minorities and Religion within the Hungarian Parliament which conducts regular consultations with minority leaders.

292. The Electoral Law will soon be amended in order to ensure direct representation of the minorities. According to preliminary plans, the new Law will allow the minorities to draw up national lists and to aggregate minority votes regardless of constituencies.

LIECHTENSTEIN

293. No.

MALAYSIA

294. No. However, Malaysia practises a system of consultation in all major policy areas through national level consultative bodies.

MAURITIUS

295. Yes.

RWANDA

296. No.

SWEDEN

297. Minority groups have no direct representation in Parliament. Such a representation would be contrary to the Constitution, which stipulates that Swedish democracy is founded on universal and equal suffrage and shall be realized through a representative and parliamentary policy.

UNITED KINGDOM

298. The United Kingdom is a parliamentary democracy. The right to vote in parliamentary and local elections is held by British citizens, other Commonwealth citizens and citizens of the Irish Republic resident in Britain who are aged 18 or over. There are presently five MPs of ethnic minority origin in the House of Commons.

URUGUAY

299. In conformity with our internal legal system, foreign citizens with legal citizenship may be appointed to public office and be electors and eligible for all posts filled by means of popular elections, with the sole exception of the post of President of the Republic.

300. The following have the right to legal citizenship:

(a) Foreign men and women having a family within the Republic, who possess some capital or property in the country, or are engaged in some profession, craft or industry, and have resided habitually in the Republic for three years;

(b) Foreign men and women, without families in the Republic, who possess any of the qualifications mentioned in the preceding paragraph and who have resided habitually in the country for five years;

(c) Foreign men and women who obtain special courtesy from the legislative body for noteworthy services or outstanding merit.

VENEZUELA

301. Minority groups, as such, have no direct representation in the national legislative bodies.

302. Although the indigenous communities take part in elections they have no such representation in the national legislative bodies.

(xi) Have members of minority groups benefited from agrarian reform measures or resettlement programmes?

AUSTRIA

303. No such measures or programmes are in operation currently.

BOLIVIA

304. Yes, they have benefited from programmes established by law assigning land to them.

COLOMBIA

305. As indicated in the answer to question (iv), the Colombian Agrarian Reform Institute (INCORA) is the entity responsible for matters relating to the acquisition and distribution of land to the indigenous and peasant communities of the country. The following table summarizes the work of the Institute from 1962 to 10 December 1991.

INCORA

ACQUISITION AND DISTRIBUTION OF LAND

RESULTS 1962-1991

(Millions of 1991 pesos)

No. of Properties	Hectares	Value
5 923	1 278 677	
For indigenous persons	116 243	41 162.3
Land improvements	505	1 409.3
Indigenous resguardos	245	
Number of recipient families	30 781	
Number of hectares	24 692 422	
Indigenous reserves	19	
Number of recipient families	1 535	
Number of hectares	1 059 184	

Source: INCORA data bank and statistics.

HUNGARY

306. Minorities, including gypsies, live in traditionally established settlement structures. Mobility depends on the decision and financial standing of individuals as well as on market conditions. There is no resettlement programme in Hungary.

307. The agrarian reform is marked by non-discrimination. Cases of injustice done to the private property of minority groups will be settled within the framework of general compensation. The relevant enactments have already been adopted or are being debated in the Parliament.

MALAYSIA

308. Minority groups have benefited from resettlement programmes.

MAURITIUS

309. The problem does not arise.

RWANDA

310. Resettlement programmes.

SWEDEN

311. This question is not relevant to Sweden.

UNITED KINGDOM

312. Ethnic minority groups in the United Kingdom benefit in the same way as the white population from government initiatives. The United Kingdom Government does not operate "resettlement programmes".

VENEZUELA

313. With regard to the indigenous communities, article 2 (d) of the Agrarian Reform Act recognizes the indigenous population as a subject of agrarian reform with rights to be integrated into the economic, social and political development of the nation.

(xii) Do members of minority groups have unimpeded possibility of contact with related ethnic, cultural or linguistic groups in other States?

AUSTRALIA

314. Yes. Members of minority groups have the same unimpeded possibility of contact with related ethnic, cultural or linguistic groups in other States, as all other groups in Australia.

AUSTRIA

315. Yes.

BOLIVIA

316. Yes, they have every facility for establishing contact with related groups and the groups in Amazonia, the East and the Chaco have established their own organizations, such as the Centre for Indigenous Peoples of Beni (CPIB) and the Indigenous Centre for the Amazonian Region of Bolivia (CIRABA). All these organizations are affiliated to the Indigenous Confederation of Eastern Bolivia (CIDOB), which is in turn a member of the Organization of Indigenous Peoples of the Amazonian Region, which covers all the countries of the region.

BURUNDI

317. Minority groups have complete freedom to have contacts with related ethnic, cultural or linguistic groups established in other countries provided that these contacts are not harmful to them in any way.

COLOMBIA

318. The Indigenous National Organization of Colombia (ONIC) has unimpeded contacts with the following pro-indigenous organizations of other countries:

(a) Inter-Ethnic Association for the Development of the Peruvian Forest (AIDESEP);

(b) Confederation of Indigenous Nationalities of Ecuador (CONAIE);

(c) Federation of Peasant and Indigenous Organization (FENOC) (Quito, Ecuador);

(d) Indigenous Organization of Guatemala - Mayas (Mexico);

(e) Ecuador, Runacunapac;

(f) Federation of Peasant Indigenous Communities (Ecuador);

(g) MJ.KUNA (Panama);

(h) Movimiento Tupac Amaru Mita (Peru);

(i) Quebec Native Women Inc. (Canada);

(j) CONFENAIE (Quito, Ecuador).

HUNGARY

319. The minorities have unimpeded possibility of contact with communities or organizations in other countries. Such contacts are encouraged and financially supported by the Hungarian Government. In this regard the Foundation for National and Ethnic Minorities provides regular support for requests to establish such contacts.

LIECHTENSTEIN

320. Yes.

MALAYSIA

321. Yes.

MAURITIUS

322. Yes.

RWANDA

323. Yes.

SWEDEN

324. Yes. The Sami populations in Finland, Norway and Sweden cooperate in the Nordic Sami Council.

UNITED KINGDOM

325. Everyone has the right to contact with related, ethnic, cultural or linguistic groups in other States, subject only to such restrictions as are prescribed by law.

VENEZUELA

326. Minority groups of whatever type or nature that live in Venezuela have unimpeded possibility to establish contacts with any national or international subject.

(xiii) What steps have been taken, and what obstacles have been encountered, in ensuring that recent immigrant groups (as understood in this study, see introduction) are not subjected to racial discrimination and that they are ensured equality in the enjoyment of human rights and fundamental freedoms?

AUSTRALIA

327. As outlined in (viii) above, the National Agenda for a Multicultural Australia and its associated programmes aim to ensure equality of treatment for all Australians, regardless of race, culture or language. The Human Rights and Equal Opportunity Commission (HREOC) also seeks to eliminate discrimination from Australian society.

328. A recent inquiry undertaken by HREOC, the National Inquiry into Racist Violence (NIRV), found that racist violence against Aboriginal and Torres Strait Islander people in Australia is serious and widespread. With regard to recent immigrant groups, the Inquiry found that Australia is a culturally diverse but largely cohesive nation, with a comparatively low incidence of violence on the basis of ethnic identity. However, the victims of racist violence are most likely to be Asian or Arab Australians.

329. In tabling the Government's response to the report of this Inquiry in the Parliament on 19 December 19[illegible], the Attorney-General stated the Government's support for the report's principal recommendation, that the Federal Government accept ultimate responsibility for ensuring, through national leadership and legislative action, that no person in Australia is subject to violence, intimidation or harassment on the basis of race.

AUSTRIA

330. Austria has ratified the International Convention on the Elimination of All Forms of Racial Discrimination. Any discrimination on grounds of race, colour, descent or national or ethnic origins is forbidden by a constitutional law. There are penal sanctions to enforce this ban.

331. The European Convention on Human Rights has the status of a constitutional law in Austria. Hence the comprehensive protection of human rights and fundamental freedoms of all minority groups envisaged in the questionnaire is ensured.

332. Austria is a signatory of the Geneva Convention on the Legal Status of Refugees and a federal law has been passed to ensure its application in Austria.

BOLIVIA

333. Most of the ethnic groups in Bolivia are indigenous to the country but there are some recent immigrant groups, most of whom have established themselves in Bolivia under international arrangements with the countries from which they come. To avoid any problems, they have been allocated land in regions apart from those inhabited by the ethnic groups native to the country and have been granted the same rights and obligations as those groups. Internal migration also takes place. This chiefly affects the Aymará and Quecha groups. This migration is supervised by the National Institute for Settlement.

BURUNDI

334. Since Burundi is a country renowned for its legendary hospitality, there can be no racial discrimination in respect of recent immigration groups. These groups could themselves testify in that regard. They enjoy human rights and their fundamental freedoms are guaranteed and respected scrupulously. There is therefore no need to take other measures in that field.

HUNGARY

335. There are no major recent immigrant groups permanently settled in Hungary.

LIECHTENSTEIN

336. Through the integration of children in schools. To that end special intensive courses are offered to foreign children.

MALAYSIA

337. All Malaysians enjoy fundamental liberties as enshrined in the Constitution. Illegal immigrants as identified in (i) above are subject to immigration control. However, Malaysia recognizes that these immigrants are liable to exploitation (though not racial discrimination) and has therefore relaxed many of the immigration controls to formalize their presence in the country so as to ensure their rights and liberties.

MALTA

338. To the extent that one could possibly imagine that there is a minority in Malta, there are no difficulties for such contacts.

MAURITIUS

339. The rights to fundamental liberties, non-racial discrimination etc. are enshrined in our Constitution.

SWEDEN

340. Legal protection

(a) The Constitution (Instrument of Government)

A major source of legal protection against ethnic discrimination is the Swedish Constitution;

Chapter 1, section 2 of the Constitution lays down that the public administration shall promote the ideals of democracy as guidelines in all sectors of society. Opportunities shall be promoted for ethnic, linguistic and religious minorities to preserve and develop a cultural and social life of their own;

Chapter 1, section 9 of the Constitution requires the courts, public authorities and others performing functions within the public administration to observe in their work the equality of all persons before the law and to maintain objectivity and impartiality;

Chapter 2, section 15 of the Constitution provides that no Act of law or other statutory instrument may entail the discrimination of any citizen because he belongs to a minority on grounds of race, skin colour, or ethnic origin;

In many respects, foreigners in Sweden shall be equated with Swedish citizens in regard of fundamental rights and freedoms (Chapter 2, section 20).

(b) The Freedom of the Press Act

A special statute which forms part of the Constitution, the Freedom of the Press Act, exclusively covers liability for all offences relating to printed publications. Under Chapter 7, section 4, subsection 11 of the Act, persecution of a population group, whereby a person threatens or expresses contempt for a population group or other such group with allusion to its race, skin colour, national or ethnic origin, or religious faith, shall be regarded as an offence against the freedom of the press if committed by way of printed matter and if the act is punishable under law. The responsible editor, nominated in advance by the publication, is legally responsible for such offences. Offences committed in the broadcasting media are covered by a

similar system. Apart from the penalties to which the author, the responsible editor, the publisher and the printer are subject, offences against the Freedom of the Press Act may lead to compensation for damages and confiscation of the publication in question.

(c) The Penal Code

Under Chapter 16, section 8 of the Swedish Penal Code any person who in a statement or communication which is disseminated threatens or expresses contempt for a national or ethnic group or other such group of persons with allusion to race, skin colour, national or ethnic origin or religious creed shall be convicted of agitation against an ethnic group and sentenced to imprisonment for a maximum period of two years or, if the offence is petty, to a fine;

Another provision of the Penal Code (Chapter 16, section 9) applies to unlawful discrimination. Should a businessman in the conduct of his business discriminate against a person on the ground of his race, skin colour, national or ethnic origin or religious creed in that he fails to deal with that person under the terms and conditions normally applied by the businessman in the course of his business with other persons, he shall be convicted of unlawful discrimination and sentenced to a fine or to imprisonment for a maximum period of one year;

This also applies to a person employed in a business or otherwise acting on behalf of a businessman and to a person employed in public service or who has a public duty. Any organizer of a public assembly or gathering, and any assistant of such organizer, may be sentenced in the same way, if he discriminates against a person by refusing him access to the public assembly or gathering under the terms and conditions normally applied to other persons;

Under Chapter 5, section 3 of the Penal Code a person who vilifies another by an insulting epithet or accusation or by other outrageous conduct towards him, shall be sentenced for insulting conduct to pay a fine. If the crime is grave, a fine or imprisonment for at most six months shall be imposed.

(d) The Act to Counteract Ethnic Discrimination

The Act to Counteract Ethnic Discrimination (1986:442) defines ethnic discrimination as the unfair treatment of a person or a group of persons in relation to others or their exposure in any other way to unjust or insulting treatment on the ground of race, skin colour, national or ethnic origin or religious creed;

Pursuant to this Act, the Government has appointed an Ombudsman against Ethnic Discrimination with the task of counteracting ethnic discrimination at the work place and in other areas of society. An Advisory Committee on Questions concerning Ethnic Discrimination has been set up in order to advise the Ombudsman on matters of principle and to propose changes in legislation or other measures.

(e) The Act on Damages

Under Chapter 1, section 3 of the Act on Damages, a victim of unlawful discrimination or of defamation can, apart from compensation for economic loss, be awarded compensation for the mental suffering to which he has been subjected as a result of the offence.

UNITED KINGDOM

341. The United Kingdom Government's approach rests on a firm commitment to a fair and just society in which all individuals, whatever their race, colour or creed, have equal rights, responsibilities and opportunities. This implies that its mainstream policies and programmes, and in particular the special initiatives for the inner cities, should benefit the minority communities along with the rest of society. Underpinning the commitment to fairness are the legislation, institutions and programmes which are directed at tackling racial discrimination and other special problems faced by the minorities and at promoting equality of opportunity.

342. They include:

(a) Race Relations Act 1976

The main instrument against racial discrimination is the Race Relations Act of 1976. This Act makes direct and indirect racial discrimination unlawful in the fields of employment, education and the provision of goods, facilities, services and premises, and it gives individuals a right of direct access to the civil courts and industrial tribunals for legal remedies for unlawful discrimination;

(b) Commission for Racial Equality

The Race Relations Act 1976 also established the Commission for Racial Equality, which is vested with wide powers and has duties to work towards the elimination of discrimination, to promote equality of opportunity and good race relations, and to keep the operation of the 1976 Act under review. The CRE is also a principal source of information and advice for the general public about the Act and has discretion to assist individuals who consider that they have been the subject of unlawful discrimination. The Commission will receive some £14.5 million grant-in-aid in 1991/92: of this around £4 million goes to support the network of community relations councils, newly renamed race equality councils, with which the Commission intends to work in a new, closer partnership;

(c) Public Order Act 1986

This contains provisions against incitement to racial hatred. There have been a number of prosecutions against distributors of racially offensive literature.

URUGUAY

343. In accordance with the provisions of the Constitution, anyone is free to enter the territory of the Republic, to stay in it and to leave it with his assets. Further, the right of assembly and of free association is guaranteed to all the inhabitants of the country independently of their place of birth. The integration of migratory currents settled in our country and the low rate of recent migration mean that conditions of life for foreigners and nationals are identical and their opportunities are equal.

VENEZUELA

344. Recent immigration groups that enter the country legally enjoy the same fundamental freedoms as the rest of the Venezuelan population. Any obstacles that have arisen stem from their inherent situation of illegality, in the case of those which have not been naturalized or registered. The guarantee of equality for the enjoyment of human rights is backed up by the Venezuelan State when it possesses reliable information concerning the existence, size and modalities of groups.

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